

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 60692/13
A. B.
against Poland

The European Court of Human Rights (Fourth Section), sitting on 6 May 2014 as a Chamber composed of:

Ineta Ziemele, *President,*
Päivi Hirvelä,
George Nicolaou,
Nona Tsotsoria,
Zdravka Kalaydjieva,
Krzysztof Wojtyczek,
Faris Vehabović, *judges,*

and Françoise Elens-Passos, *Section Registrar,*

Having regard to the above application lodged on 26 September 2013,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr A. B., is a Russian national, who was born in 1990. The President granted the applicant's request for his identity not to be disclosed to the public (Rule 47 § 4). He was represented before the Court by Ms S. Paduchowska, a lawyer practising in Lublin.

2. The Polish Government ("the Government") were represented by their Agent, Ms J. Chrzanowska of the Ministry of Foreign Affairs. The Russian Government decided not to intervene in the present case as third party.

3. The applicant complained under Articles 2 and 3 of the Convention that his expulsion to Russia would create a danger to his life and that if expelled, he would face a real risk of being subjected to torture or inhuman and degrading treatment.

4. On 4 October 2013 the Court granted the Rule 39 request. The Polish Government were advised not to expel the applicant to Russia.

5. On 28 October 2013 the applicant's representative was requested to fill in and submit the application form until 25 November 2013 which she failed to do.

6. On 22 January 2014 the applicant's complaints under Articles 2 and 3 were communicated to the Government.

7. On 7 February 2014 the applicant's representative was again requested to fill in and submit the application form on behalf of the applicant which she again failed to do.

8. On 18 February 2014 the Polish Government informed the Court that, upon the applicant's request, on 10 February 2014 the Head of the Office for Foreigners had decided to transfer the applicant to Germany. It was also submitted that on 4 February 2014 the German authorities had agreed to examine the applicant's application in accordance with Article 15 of the Council Regulation (EC) No. 343/2003 of 18 February 2003 and that under Article 19 (3) of the said Regulation (Article 29 (1) of the Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013) the applicant's transfer would be carried out as soon as practically possible and at the latest within six months of acceptance of the request that charge be taken or of the decision on an appeal or review where there is a suspensive effect. In their letter the Government requested that the interim measure applied in the present case be lifted and that the application be struck out of the list of cases.

9. On 20 February 2014 the applicant's representative was requested to comment on the Government's submissions until 6 March 2014 which she failed to do.

10. On 17 March 2014 the Government informed the Court that on 4 March 2014 the applicant had been transferred to Germany pursuant to the decision of the Head of the Office for Foreigners of 10 February 2014.

THE LAW

11. The Court considers that, in these circumstances, especially in view of the fact that the applicant never submitted his application form, he may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

12. In view of the above, it is appropriate to strike the case out of the list.

13. Furthermore, in view of its findings set out above, the Court considers that it is appropriate to lift the interim measure indicated to the Government of Poland under Rule 39 of the Rules of Court.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Françoise Elens-Passos	Ineta Ziemele
Registrar	President