

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

FIRST SECTION

DECISION

Application no. 76814/13
A. T.
against Croatia

The European Court of Human Rights (First Section), sitting on 4 March 2014 as a Committee composed of:

Khanlar Hajiyev, *President,*
Erik Møse,
Dmitry Dedov, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 6 December 2013,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr A.T., lives in Zagreb. The President granted the applicant's request for his identity not to be disclosed to the public (Rule 47 § 3). He was represented before the Court by Ms D. Mišković Prodanović, a lawyer practising in Zagreb.

On 6 December 2013 the applicant, relying on Article 3 of the Convention, requested the Court to apply Rule 39 measure preventing his expulsion to Algeria.

On 9 December 2013 the President of the Section to which the case has been allocated applied the requested measure and ordered that, under Rule 39 of the Rules of Court, the applicant should not be expelled to Algeria for the duration of the proceedings before the Court. At the same time the case was communicated to the Government under Articles 3 and 13 of the Convention and the applicant was requested to submit a duly completed application form by 19 December 2013.

On 20 December 2013 the applicant's representative informed the Court that for the time being the applicant did not want to submit an application with the Court on the grounds that he wished to see what would happen

with a constitutional complaint and a request for protection on humanitarian grounds which he had lodged with the domestic authorities. The applicant's representative also indicated that the applicant was well aware of all legal consequences of his decision.

On 7 January 2014 the President of the Section reconsidered the applicant's submission and in the light of the information provided by the applicant decided to lift the interim measure previously indicated under Rule 39 of the Rules of Court.

THE LAW

In follows from the above that the applicant, who is effectively legally represented and aware of all legal consequences of his decision, clearly wanted to withdraw his application with the Court.

The Court considers that, in these circumstances, the applicant 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.

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

For these reasons, the Court unanimously

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

André Wampach
Deputy Registrar

Khanlar Hajiyev
President