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

THIRD SECTION

DECISION

Application no. 25790/15
A.T.
against Russia

The European Court of Human Rights (Third Section), sitting on 24 May 2016 as a Committee composed of:
Helena Jäderblom, *President,*
Dmitry Dedov,
Branko Lubarda, *judges,*
and Stephen Phillips, *Section Registrar,*
Having regard to the above application lodged on 29 May 2015,
Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr A.T., is a Syrian national, who was born in 1989 and is currently detained on remand in St Petersburg pending his extradition to Finland. 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 Mr Y. Serov, a lawyer practising in St Petersburg.

2. The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights.

3. The facts of the case, as submitted by the parties, may be summarised as follows.

A. The applicant's arrest and administrative proceedings

4. In December 2012 the applicant left Syria. Between January 2013 and January 2015 he lived in Spain, and between January 2015 and March 2015, in Sweden.

5. On 8 March 2015 the applicant arrived in Russia. The declared purpose of his visit was tourism.

6. On 18 March 2015 the applicant was stopped by the police and taken to a police station. The police drew up a report stating that he had committed an administrative offence by breaching the rules governing the stay of foreign nationals in Russia.

7. On 19 March 2015 the Krasnogvardeyskiy District Court of St Petersburg found the applicant guilty of breaching the rules governing the stay of foreign nationals in Russia and ordered his expulsion (administrative removal) from the territory of the Russian Federation and the payment of an administrative fine. The District Court also held that pending his expulsion, the applicant should be detained in a temporary detention centre for aliens.

8. On 26 May 2015 the St Petersburg City Court ("the City Court") upheld the decision of 19 March 2015.

9. On 9 September 2015 the Deputy President of the City Court changed the part of the judgment of 19 March 2015 and the decision of 26 May 2015 concerning the punishment. In particular, he held that the applicant's expulsion should be in the form of controlled voluntary departure from the territory of the Russian Federation and ordered the applicant's release from the temporary detention centre for aliens. In taking that decision, the Deputy President of the City Court took into consideration a letter from the Consulate General of Spain in St Petersburg confirming the applicant's residence permit in Spain and their willingness to assist in returning the applicant to Spain.

B. Proceedings for refugee and asylum status in Russia

10. The applicant applied for refugee status and temporary asylum in Russia on 5 May and 10 July 2015 respectively.

11. The applicant withdrew his applications for refugee status and temporary asylum in Russia on 12 May and 10 July 2015 respectively, because he already had refugee status in Spain and planned to return there.

12. Consequently, the examination of the applicant's requests was discontinued.

C. Criminal proceedings against the applicant in Finland and the ensuing extradition proceedings in Russia

13. On 27 March 2015 the Finnish authorities opened a criminal case against the applicant, charging him with organisation of unlawful immigration. They ordered his detention *in absentia*.

14. On 4 April 2015 the Finnish authorities lodged an extradition request with the Prosecutor General of Russia, asking that the applicant be extradited to Finland for trial and prosecution.

15. On 26 August 2015 the Krasnoselskiy District Court of St Petersburg remanded the applicant in custody pending extradition, until 3 October 2015.

16. On 28 August 2015 the applicant was transferred from the temporary detention centre for aliens to a remand prison.

17. On 2 October 2015 the Krasnoselskiy District Court extended the applicant's detention pending extradition until 25 February 2016.

18. The extradition proceedings are currently under-way.

COMPLAINTS

19. The applicant complained that in the event of his removal to Syria, he would be subjected to treatment in breach of Article 3 of the Convention. He complained under the same provision about the conditions of his detention in the temporary detention centre for aliens in St Petersburg. The applicant further complained under Article 5 § 1 (f) of the Convention that his detention pending administrative removal had been unlawful, and under Article 5 § 4 of the Convention that the Russian law governing detention pending administrative removal was not clear and foreseeable in its application.

THE LAW

20. On 2 June 2015 the Court granted the applicant's request under Rule 39 of the Rules of Court and instructed the Russian Government to stay the enforcement of his expulsion to Syria for the duration of the proceedings before the Court. In view of the application of the interim measure, the application was granted priority treatment.

21. On 27 August 2015 the Court decided to give notice of the application to the Government.

22. On 21 December 2015 the Government submitted to the Registry their observations on the admissibility and merits of the application. These were forwarded on 7 January 2016 to the applicant, who was invited to submit observations in reply by 10 March 2016.

23. On 3 March 2016 the applicant's representative, without indicating any reasons, informed the Court that the applicant wished to withdraw his application.

24. In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention or its Protocols, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the

examination of the application. It therefore decides to strike the application out of its list of cases.

25. Accordingly, the interim measure indicated under Rule 39 of the Rules of Court comes to an end.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 16 June 2016.

Stephen Phillips
Registrar

Helena Jäderblom
President