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

FIFTH SECTION

DECISION

Application no. 4276/07
Shahin Beybala oglu GULIYEV and Galib Beybala oglu GULIYEV
against Azerbaijan

The European Court of Human Rights (Fifth Section), sitting on 20 September 2016 as a Committee composed of:

Faris Vehabović, *President,*
Khanlar Hajiyev,
Carlo Ranzoni, *judges,*

and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 9 January 2007,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Shahin Beybala oglu Guliyev (*Şahin Bəybala oğlu Quliyev*) and Mr Galib Beybala oglu Guliyev (*Qalib Bəybala oğlu Quliyev*), are Azerbaijani nationals, who were born in 1980 and 1974 respectively and live in Baku. They were represented before the Court by Mr T.B. Guliyev, a lawyer practising in Azerbaijan.

The Azerbaijani Government ("the Government") were represented by their Agent, Mr Ç. Asgarov.

The applicants complained under Article 3 of the Convention that they had been ill-treated in police custody and that the domestic authorities had not effectively investigated their complaints of ill-treatment.

They also complained under Article 5 of the Convention that they had been detained unlawfully.

They further complained under Article 6 of the Convention that they had been convicted on the basis of self-incriminating statements and their co-defendant's incriminating statements that had been obtained by means of ill-treatment.

The applicants' complaints concerning Articles 3 and 6 §§ 1 and 3 of the Convention were communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicants, who were invited to submit their own observations. No reply was received to the Registry's letter.

By letter dated 28 June 2011, sent by registered post, the applicants' representative was notified that the period allowed for submission of their observations had expired on 13 May 2011 and that no extension of time had been requested. The applicants' representative's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicants' representative received this letter on 14 July 2011. However, no response has been received.

THE LAW

The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their 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.

Done in English and notified in writing on 13 October 2016.

Milan Blaško
Deputy Registrar

Faris Vehabović
President