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

FIRST SECTION

DECISION

Application no. 6357/06
Andrey Borisovich KARAVAYEV
against Russia

The European Court of Human Rights (First Section), sitting on 26 August 2014 as a Committee composed of:

Khanlar Hajiyev, *President,*
Julia Laffranque,
Erik Møse, *judges,*
and Søren Prebensen, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 23 December 2005,
Having regard to the comments submitted by the Russian Government,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Andrey Borisovich Karavayev, is a Russian national who was born in 1964 and lives in Yekaterinburg.

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

The applicant complains under Article 5 § 1 of the Convention that his pre-trial detention from 22 to 25 July 2005 was not based on a court order, and, thus, was unlawful. The period of the applicant's detention authorised by a court expired on 21 July 2005, whereas another detention order stating that the applicant should remain in custody was not taken before 25 July 2005.

He also submitted that the decision of 25 July 2005 by which his pre-trial detention was prolonged was taken in the absence of his lawyer and himself.

And lastly, the applicant submitted that when extending his detention on 25 July 2005, the court merely stated that the applicant should remain in

custody; no time-limits or well-founded ground for that continued detention were specified.

The applicant's complaints were communicated to the Government, who admitted violations of Article 5 §§ 1 and 4 and made a friendly settlement proposal by letter dated 24 May 2012.

By letter of 20 September 2012 the applicant was invited to submit a duly signed copy of the friendly settlement agreement by 25 October 2012. However, no reply was received from the applicant.

The Registry attempted to contact the applicant, and his 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.

By letter dated 4 September 2013 the applicant was notified that the period allowed for submission of the signed agreement had expired on 25 October 2012 and that no extension of time had been requested.

By letter of 28 February 2013, sent by registered post, the applicant was again reminded of the issue. He was asked to confirm that he had accepted the settlement and submit a duly signed copy of the agreement by 11 April 2013.

The letter was delivered to the applicant on 22 May 2013. No response was received from the applicant, and no correspondence has been received from him thereafter.

THE LAW

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.

Søren Prebensen
Acting Deputy Registrar

Khanlar Hajiyev
President