

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

FIFTH SECTION

DECISION

Application no. 50514/06
Alan Ivanovich PARASTAYEV
against Russia and Georgia

The European Court of Human Rights (Fifth Section), sitting on 13 December 2011 as a Chamber composed of:

Dean Spielmann, *President,*
Boštjan M. Zupančič,
Anatoly Kovler,
Nona Tsotsoria,
Ann Power-Forde,
Ganna Yudkivska,
Angelika Nußberger, *judges,*

and Claudia Westerdiek, *Section Registrar,*

Having regard to the above application lodged on 15 December 2006,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Alan Ivanovich Parastayev, was born in 1951. At the time of lodging this application he was a Russian national who lived in the city of Tskhinvali, Georgia. In 2008 he also acquired Georgian nationality and now lives in Tbilisi, Georgia. It appears that the applicant retained the Russian nationality as well. He was initially represented before the Court by Mrs Y.L. Liptser, a lawyer practising in Moscow, but then he revoked her appointment.

The Georgian Government were successively represented by their Agents, Mrs I. Bartaia, Mr David Tomadze and Mr Levan Meskhoradze of the Ministry of Justice.

The Russian Government were initially represented by Mrs V. Milinchuk, former Representative of the Russian Federation at the European Court of Human Rights, and subsequently by their Representative, Mr G. Matyushkin.

The applicant complained under Articles 3, 5 and 13 of the Convention about his arrest on 11 November 2006 by the representatives of the *de facto* authorities of South Ossetia, his alleged ill-treatment and the ensuing detention. He alleged that both Russia and Georgia were responsible for the acts and omissions of the *de facto* authorities of South Ossetia, in accordance with Article 1 of the Convention.

On 20 December 2006 the President of the Chamber decided to apply Rule 40 of the Rules of Court (urgent notification of an application) and to give priority to this application in accordance with Rule 41 of the Rules of Court.

On 31 May 2007 the Court decided to give notice to the Governments of Georgia and Russia of the applicant's complaints detailed above.

Both Governments submitted to the Registry their observations on the admissibility and merits of the application. These were forwarded to the applicant, and he submitted his observations in reply. The Governments and then the applicant submitted additional observations commenting on the observations by other parties.

On 20 January 2009 the applicant informed the Court that he had been released. He acquired Georgian nationality and was appointed to a high-ranking post at the Ministry of Justice of Georgia. He therefore expressed the intention to withdraw his complaints against Georgia while maintaining the case against Russia.

On 8 April 2011 the applicant wrote to the Registry about his intention to withdraw the case entirely, but on 28 April 2011 he asked that his previous letter be disregarded.

Finally, by letter dated 31 October 2011, the applicant informed the Registry that he had no intention to pursue the application and wished to withdraw it entirely. He requested the Court to strike it out of its list of cases.

THE LAW

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 considers that it is no longer justified to continue

the examination of the application within the meaning of Article 37 § 1 (a) of the Convention.

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.

Claudia Westerdiek
Registrar

Dean Spielmann
President