

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

FOURTH SECTION

DECISION

Application no. 47750/12
Nirav Manghubhai PATEL
against the United Kingdom

The European Court of Human Rights (Fourth Section), sitting on 18 June 2013 as a Committee composed of:

Päivi Hirvelä, *President,*
Ledi Bianku,
Paul Mahoney, *judges,*

and Fatos Araci, *Deputy Section Registrar,*

Having regard to the above application lodged on 30 July 2012,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Nirav Manghubhai Patel, is an Indian national, who was born in 1985 and lives in Gujarat. He is not represented in the proceedings before the Court. The United Kingdom Government ("the Government") are represented by their Agent, Ms Ann Swampillai, of the Foreign and Commonwealth Office.

The applicant complained under Article 5 of the Convention that his detention under immigration powers was unlawful. He also complained that his detention by the United Kingdom immigration authorities amounted to ill-treatment contrary to Article 3 of the Convention. Finally, the applicant complained under Article 8 that, in failing to obtain a travel document from the Indian High Commission to facilitate his return to India, there had also been a violation of his right to respect for his family and private life in India.

The applicant's complaint under Article 5 was communicated to the United Kingdom Government and the Government were invited to submit observations by 4 October 2012. The deadline was later extended until 22 October 2012.

On 6 September 2012 the applicant was advised that notice of his complaint under Article 5 had been given to the United Kingdom Government. He was also informed of the need to appoint a legal representative.

On 11 October 2012, the applicant made a request for an interim measure under Rule 39 of the Rules of Court to prevent his removal to India. After examining the request, it was refused on 12 October 2012 and the applicant was informed accordingly.

By facsimile dated 17 October 2012 the applicant informed the Court that his previous legal representatives no longer acted for him. However, he had not previously informed the Court of any legal representation.

The Government submitted its observations on 22 October 2012 with additional documents being provided on 30 October 2012.

On 31 October 2012 the Government's observations and supporting documents were sent to the applicant by registered post. At the same time, he was requested to submit any observations together with any claims for just satisfaction in reply by 21 November 2012. The applicant was again reminded of the requirement to appoint a representative and was asked to do so and to submit a completed form of authority by 28 November 2012.

No response was received from the applicant. He was removed from the United Kingdom to India on 3 November 2012.

On 29 November 2012 the Registry wrote again to the applicant asking him to appoint a representative and to submit a completed form of authority to the Court by 7 January 2013. He was informed that should he fail to appoint a representative by this date, the Court might strike his application out of the list of cases.

On 20 December 2012 the Registry received a facsimile on behalf of the applicant from an individual who was at that time detained under immigration powers in the United Kingdom. The fax recorded that the applicant was unable to obtain legal aid as he was no longer present in the United Kingdom.

On 14 February 2013 the Registry asked the applicant to appoint a legal representative by 12 March 2013, noting that failure to do so might result in his application being struck out. This letter was sent to the applicant by registered post with receipt of same confirmed on 25 February 2013. No response to this letter has been received from the applicant.

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.

Fatoş Aracı Deputy Registrar	Päivi Hirvelä President