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

THIRD SECTION

DECISION

Application no. 33113/14
Umid Alimdzhanovich YAKUBOV
against Russia

The European Court of Human Rights (Third Section), sitting on 5 January 2016 as a Chamber composed of:

Luis López Guerra, *President,*
Helena Jäderblom,
George Nicolaou,
Helen Keller,
Johannes Silvis,
Dmitry Dedov,
Pere Pastor Vilanova, *judges,*

and Stephen Phillips, *Section Registrar,*

Having regard to the above application lodged on 29 April 2014,

Having regard to the interim measure indicated to the respondent Government of Russia under Rule 39 of the Rules of Court,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Umid Alimdzhanovich Yakubov, is an Uzbek national, who was born in 1969 and lives in Tashkent.

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

3. On 29 April 2014 lawyers from the Memorial Human Rights Centre, an NGO registered in Moscow, complained under Article 3 of the Convention that on 29 April 2014 the applicant had been abducted by Russian State agents for secret involuntary removal from Russia to Uzbekistan where he risked ill-treatment which had already been

established by the Court in *Yakubov v. Russia* (no. 7265/10, 8 November 2011). The lawyers enclosed the authority form from the latter case and requested the application of the interim measure under Rule 39 of Rules of Court in order to prevent the applicant's removal from Russia to Uzbekistan.

4. On the same date, 29 April 2014, the Court applied the interim measure and requested additional information from the Government.

5. On 3 July 2014 the application was communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the Memorial Human Rights Centre.

6. By letter of 5 May 2015 the Government informed the Court that on 7 November 2014 the applicant provided his statement to the Uzbek authorities denying the fact of involuntarily removal and stressing that he had voluntarily left Russia on 29 April 2014 for Uzbekistan, that he had been residing in Tashkent and not being held in detention.

7. This information was forwarded to the Memorial Human Rights Centre for comments. On 10 June 2015 they informed the Court of their inability to reach the applicant on the Uzbek address indicated by the Government and, therefore, the impossibility to furnish the authority form for this set of proceedings.

8. By two letters, dated 19 June 2015, sent by registered post to the applicant's two known addresses in Uzbekistan, the applicant was requested to inform the Court whether he intended to pursue the application and whether he accepted the Memorial Human Rights Centre as his representatives in the present case and if so, if he would sign the enclosed authority form. The applicant was invited to submit the requested information and the signed authority form by 14 August 2015.

9. The applicant'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 applicant received one of the two letters on 14 July 2015. However, no response has been received by the Court.

THE LAW

10. In order to determine whether an application should be struck out of the list pursuant to Article 37 § 1 (a) of the Convention the Court must consider whether the circumstances lead it to conclude that "the applicant does not intend to pursue his application". The Court reiterates that it enjoys a wide discretion in identifying grounds capable of being relied upon in a

strike out application on this basis; however, it also points out that such grounds must reside in the particular circumstances of each case (see *Murad Todua v. Georgia* (dec.), no. 6024/10, 9 November 2010, and *Petrochenkov v. Russia* (dec.), no. 9641/02, 26 June 2007).

11. In the Court's view, the particular circumstances of the present application are such that it is no longer justified to continue its examination as 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.

12. That being so, given the gravity of the alleged violations, the Court notes that under Article 37 § 2 of the Convention the striking of the application out of its list of cases does not preclude the subsequent restoration of the application to the list if the Court considers that the circumstances justify such a course.

13. In view of the above, it is appropriate to strike the case out of the list. The interim measure applied accordingly also 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 28 January 2016.

Stephen Phillips
Registrar

Luis López Guerra
President