



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

FIRST SECTION

DECISION

Applications nos. 17854/07 and 17855/07
Ibret Ismetovich BAZAYEV and Rovshan Davudovich FETILOV
against Russia

The European Court of Human Rights (First Section), sitting on 6 May 2014 as a Committee composed of:

Khanlar Hajiyeu, *President*,

Julia Laffranque,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above applications lodged on 19 March 2007,

Having deliberated, decides as follows:

THE FACTS

The applicants are Russian nationals Mr Ibret Ismetovich Bazayev, who was born in 1983 and lived before his arrest in Kapir-Kazmalyar, Dagestan, and Mr Rovshan Davudovich Fetilov, who was born in 1974 and lived before his arrest in Filya, Dagestan.

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

The two applications concern the alleged inability of the applicants to question key prosecution witnesses against them during the trial. Both applications concern the same set of criminal proceedings and raise the same Convention issues. Therefore, on 18 March 2013 they were jointly communicated to the Russian Government.

On 15 July 2013 the Government submitted their observations on the admissibility and merits of the applications. The observations were forwarded to the applicants, who were invited to submit their own observations. No replies were received to the Registry’s letter.

By letters dated 28 November 2013, sent by registered post, both applicants were notified that the period allowed for submission of the observations had expired on 24 September 2013 and that no extension of time had been requested. The applicants' 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.

Mr Bazayev received the Court's letter on 23 December 2013 but no response has been received from him. As for Mr Fetilov, the administration of the correctional colony IK-11 in Stavropol received the Court's letter on 20 December 2013 and informed the Court that on an unspecified date he had been released as having served the sentence; Mr Fetilov did not notify the Court either of his release or any new address for correspondence.

THE LAW

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

In view of the above, it is appropriate to strike both cases out of the list.

For these reasons, the Court unanimously

Decides to join the applications;

Decides to strike the applications out of its list of cases.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President