



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

FIFTH SECTION

DECISION

Application no 61737/14

A.P.

against Azerbaijan

The European Court of Human Rights (Fifth Section), sitting on 17 November 2015 as a committee composed of:

Faris Vehabović, *President*,

Khanlar Hajiyeu,

Carlo Ranzoni, *judges*,

and Milan Blaško, *Deputy Section Registrar*,

Having regard to the above application lodged on 11 September 2014,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant is an Armenian national who was born in 1957 and lives in Chinari. The Acting President of the Section granted the applicant's request for his identity not to be disclosed to the public (Rule 47 § 4 of the Rules of Court). He was represented before the Court by Mr V. Grigoryan, a lawyer practising in London.

The Azerbaijani Government ("the Government") were represented by their Agent, Mr Ç. Asgarov.

The applicant complained under Articles 3 and 8 of the Convention that his son, born in 1981, had died in Azerbaijani detention on 8 August 2014 after having unintentionally crossed the border near his home village of Chinari in the Tavush province of Armenia the day before and having been apprehended by the Azerbaijani military. As the son's body had not yet been repatriated, the applicant further requested that Rule 39 be applied and the Government of Azerbaijan be ordered to take measures to prevent damage to the corpse, to return it immediately and to explain the delay in returning it.

On 12 September 2014 the President of the Section, under Rule 54 § 2 (a), requested the Government to explain the Azerbaijani authorities' official position in connection with the repatriation of the body of the applicant's son and to provide information on the reasons for the delay in returning the body to the relatives. The Government replied on 19 September 2014.

On 30 September 2014 the Acting President of the Section decided not to indicate to the Government of Azerbaijan the interim measure sought by the applicant under Rule 39. However, the Acting President decided, under Rule 54 § 2 (b), to communicate the applicant's complaints to the Government and invite them to submit written observations on the admissibility and merits of the case, provided that the applicant submit a duly completed application form in the original by 29 October 2014.

On 13 October 2014 the Government of Azerbaijan informed the Court that the body of the applicant's son had been handed over to the Armenian authorities at the border on 10 October 2014.

On 29 October 2014 the applicant's representative informed the Court that, as several investigative measures in Armenia, including a forensic medical examination, were being conducted but had not yet been completed, it was not possible, at that moment, to submit a completed application form with relevant annexes. These documents would instead be sent to the Court as soon as they were available.

No further correspondence having been forthcoming since 29 October 2014, and having regard to the handover of the applicant's son's body on 10 October 2014, the Court, by a letter of 30 June 2015, requested the applicant's representative to state whether the applicant maintained his application. If so, he was instructed to submit the completed application form by 24 July 2015.

No response has been received to the Court's letter.

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.

Done in English and notified in writing on 10 December 2015.

Milan Blaško
Deputy Registrar

Faris Vehabović
President