



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

THIRD SECTION

DECISION

Application no. 22382/05
by Ashot DAVTYAN
against Armenia

The European Court of Human Rights (Third Section), sitting on 19 October 2006 as a Chamber composed of:

Mr B.M. ZUPANČIČ, *President*,

Mr J. HEDIGAN,

Mr C. BÎRSAN,

Mrs A. GYULUMYAN,

Mr E. MYJER,

Mrs I. ZIEMELE,

Mrs I. BERRO-LEFEVRE, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having regard to the above application lodged on 15 September 2003,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together.

Having regard to the observations submitted by the respondent Government and the applicant's letter of 13 February 2006 whereby he expressed his wish to withdraw the application,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Ashot Davtyan, is an Armenian national who was born in 1977 and lives in Yerevan. He was represented before the Court by Mr M. Muller, Mr T. Otty and Mr K. Yildiz, lawyers practising in London, and Mr T. Ter-Yesayan and Mr A. Ghazaryan, lawyers practising in Yerevan. The Armenian Government ("the Government") were represented

by their Agent, Mr G. Kostanyan, Representative of the Republic of Armenia at the European Court of Human Rights.

The facts of the case, as submitted by the parties, may be summarised as follows.

On 21 March 2003 the applicant participated in a demonstration in Yerevan.

On 22 March 2003, according to the Government, police officers visited the applicant at his home to obtain an explanation about a conflict which had previously taken place between him and his neighbours. The applicant started using swear words and disobeyed their lawful orders, whereupon he was taken to a police station. According to the applicant, he did not disobey the orders of the police officers and accompanied them to the police station without any argument or resistance. The real reason for his arrest was his participation in the demonstration the day before.

On the same date, the applicant was taken to the Erebuni and Nubarashen Districts Court of Yerevan (*Երևան քաղաքի Էրեբունի և Նուբարաշեն համայնքների առաջին աստիճանի դատարան*) which sentenced him under Article 182 of the Code of Administrative Offences to five days of administrative detention for maliciously disobeying the lawful orders of the police officers.

The applicant was then taken to a detention facility where he fully served his sentence.

COMPLAINTS

The applicant complained under Article 3 of the Convention about his conditions of detention and under Article 5 § 2 that he was not adequately informed of the legal and factual nature of his arrest. He further complained that his administrative detention was in violation of the guarantees of Article 5 §§ 1, 3 and 4, Article 6 §§ 1 and 3 (a-d), Articles 10, 11, 13 and 14 of the Convention and Article 3 of Protocol No. 1.

THE LAW

By a letter of 13 February 2006 the applicant's representatives informed the Court that the applicant no longer wished to pursue his application and requested the Court to strike the application off the list of cases.

The Government submitted no comments concerning this request.

Having regard to the above letter, the Court considers that the applicant does not intend 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 a continued examination of the application. Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

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

Vincent BERGER
Registrar

Boštjan M. ZUPANČIČ
President