



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

THIRD SECTION

CASE OF ANA PAVEL v. ROMANIA

(Application no. 4503/06)

JUDGMENT
(Just satisfaction – Strike-out)

STRASBOURG

29 May 2012

FINAL

29/08/2012

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Ana Pavel v. Romania,

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

Josep Casadevall, *President*,

Alvina Gyulumyan,

Egbert Myjer,

Ján Šikuta,

Ineta Ziemele,

Luis López Guerra,

Kristina Pardalos, *judges*,

and Santiago Quesada, *Section Registrar*,

Having deliberated in private on 10 May 2012,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The applicant, Mrs Ana Pavel, is a Romanian national who was born in 1936 and lives in Voluntari. The Romanian Government (“the Government”) are represented by their Agent, Ms Irina Cambrea, from the Ministry of Foreign Affairs.

2. In a judgment delivered on 16 March 2010 (“the principal judgment”), the Court held that there was a violation of Article 6 and of Article 1 of Protocol No. 1 of the Convention (ECHR *Ana Pavel v. Romania*, no. 4503/06, 16 March 2010). It was also decided to rule on the admissibility and merits of the application at the same time (Article 29 § 1).

3. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicant to submit, within six months, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach.

4. By a letter dated 5 October 2010 the applicant was informed that the judgment on the merits became final and was reminded that the period allowed for the submission of her comments on the application of Article 41 of the Convention would expire on 4 April 2011. The applicant did not reply.

5. By a subsequent letter dated 14 December 2011 sent by registered mail and received by the applicant on 30 December 2011, who had signed the advice of receipt, she was notified that the period allowed for the submission of her comments on the application of Article 41 had expired on 4 April 2011 and that no extension of time had been requested. 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. This letter also remained unanswered.

6. As Mr Corneliu Bîrsan, the judge elected in respect of Romania, had withdrawn from the case (Rule 28 of the Rules of Court), the President of the Chamber appointed Mrs Kristina Pardalos to sit as *ad hoc* judge (Article 26 § 4 of the Convention and Rule 29 § 1 of the Rules of Court).

THE LAW

7. The Court considers that, in the above circumstances, the applicant may be regarded as no longer wishing to pursue her 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.

8. Accordingly, the remainder of the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

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

Done in English, and notified in writing on 29 May 2012, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Santiago Quesada
Registrar

Josep Casadevall
President