



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

FOURTH SECTION

CASE OF PELTONEN v. FINLAND

(Application no. 27323/95)

JUDGMENT
(Striking out)

STRASBOURG

28 September 2000

In the case of Peltonen v. Finland,

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

Mr G. RESS, *President*,

Mr I. CABRAL BARRETO,

Mr V. BUTKEVYCH,

Mrs N. VAJIĆ,

Mr J. HEDIGAN,

Mr M. PELLONPÄÄ,

Mrs S. BOTOCHAROVA, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having deliberated in private on 7 September 2000,

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

PROCEDURE

1. The case originated in an application (no. 27323/95) against the Republic of Finland lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Finnish national, Mr Mauno Peltonen (“the applicant”), on 13 March 1995.

2. The Finnish Government (“the Government”) were represented by their Co-Agent, Mr Arto Kosonen, Director at the Ministry for Foreign Affairs.

3. The applicant complained, *inter alia*, that he had been a victim of a violation of Article 6 of the Convention in that he was denied a fair hearing in the proceedings regarding his entitlement to a disability pension.

4. Following communication of certain complaints to the Government and rejection of certain others by the Commission, the case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 to the Convention.

5. On 16 March 2000, after obtaining the parties’ observations, the Court declared the application admissible in so far as relating to the complaint about the unfairness of the proceedings. A further complaint of the applicant was declared inadmissible on the same date.

6. On 29 March 2000, the Section Registrar invited the parties to submit before 22 May 2000 their possible proposals for a friendly settlement of the case. No reply was received from the applicant. By registered letter of 30 May 2000 the Registry sent the applicant a copy of its previous letter and invited him to respond to an enclosed friendly settlement proposal by the Government. His attention was drawn to the fact that his application could

be struck out unless he reacted by 16 June 2000. This letter was returned by the local post office with an indication that the applicant had moved without leaving a new address. On 16 June 2000 the Registry sent a similar registered letter to another address indicated by the respondent Government. The applicant was now warned that unless he reacted by 7 July 2000 the Court might strike his application out of its list. This letter was also returned to the sender.

THE FACTS

7. In 1992 the applicant, then resident in Sweden, travelled to Egypt. In 1993 he officially moved from Sweden to Finland. In the light of this move the local social insurance office (*försäkringskassan*) in Sweden decided to stop paying him national pension benefits, referring to the possibility of his obtaining similar benefits from the Finnish authorities.

8. The applicant's request for a Finnish disability pension was refused by the Joutseno branch office of the Social Insurance Institution (*kansaneläkelaitos, folkpensionsanstalten*) on 15 June 1993 on the basis that he was not resident in Finland. The applicant appealed, arguing that he was only temporarily staying in Egypt and that his return to Finland had been delayed due to the urgent treatment of an illness.

9. On 17 February 1994 the Appellate Board for Social Insurance (*tarkastuslautakunta, prövningsnämnden*; “the Appellate Board”) dismissed the applicant’s appeal, maintaining that in the light of the material adduced he was not resident in Finland. It referred to an opinion submitted by the Social Insurance Institution at the Appellate Board’s request. The opinion and the attached documents had not been communicated to the applicant. Neither were they reproduced or summarised in the Appellate Board’s decision.

10. The applicant appealed further, adducing, *inter alia*, an extract from the Finnish population register dated 6 April 1994 and indicating that he had been resident in Finland since April 1993. He contended, *inter alia*, that he was permanently resident in Finland, that his stay in Egypt was involuntary and caused by his illness, and that he would return to Finland as soon as his state of health would so permit.

11. On 5 September 1994 the Insurance Court (*vakuutusoiikeus, försäkringsdomstolen*) upheld the decision of the Appellate Board, having noted a further opinion submitted by the Social Insurance Institution at the Insurance Court’s request. The Insurance Court reasoned that the applicant’s stay abroad could not be considered to be of a temporary character. Accordingly, he could not be regarded as resident in Finland. The Social Insurance Institution’s opinion with accompanying documents had not been

communicated to the applicant. Neither were they reproduced or summarised in the Insurance Court's decision. The decision was dispatched to the applicant on 14 September 1994. No further ordinary appeal lay open to him.

THE LAW

12. The Court takes note of the applicant's failure to respond to any of the Registry's letters sent after part of the application was declared admissible. In these circumstances the Court concludes that the applicant does not intend to pursue his application. Neither does respect for human rights, as defined in the Convention and its Protocols, require that the examination of this case be continued.

13. Accordingly, the case should be struck out of the list in accordance with Article 37 § 1 (a) of the Convention.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English, and notified in writing on 28 September 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER
Registrar

Georg RESS
President