



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

THIRD SECTION

CASE OF KORONIOTIS v. GERMANY

(Application no. 66046/01)

JUDGMENT
(Striking out)

STRASBOURG

21 April 2005

FINAL

21/07/2005

*This judgment will become final in the circumstances set out in Article 44
§ 2 of the Convention. It may be subject to editorial revision.*

In the case of Koroniotis v. Germany,

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

Mr B.M. ZUPANČIČ, *President*,

Mr L. CAFLISCH,

Mr C. BÎRSAN,

Mrs M. TSATSA-NIKOLOVSKA,

Ms R. JAEGER,

Mr E. MYJER,

Mr DAVID THÓR BJÖRGVINSSON, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having deliberated in private on 31 March 2005,

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

PROCEDURE

1. The case originated in an application (no. 66046/01) against the Federal Republic of Germany lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by an applicant of both German and Greek nationality, Alexander Koroniotis (“the applicant”), on 2 November 2000.

2. The applicant was represented by his parents, Panagiotis Koroniotis and Rita Eggendinger-Koroniotis. The German Government (“the Government”) were represented by their Agent, Mrs A. Wittling-Vogel, *Ministerialrätin*.

3. The applicant complained, *inter alia*, about the length of proceedings before the civil courts.

4. The application was allocated to the Third Section of the Court (Rule 52 § 1 of the Rules of Court). Within that Section, the Chamber that would consider the case (Article 27 § 1 of the Convention) was constituted as provided in Rule 26 § 1.

5. By a partial decision of 30 January 2003 the Court declared the application partly inadmissible.

6. By a decision of 16 September 2004 the Court declared the remainder of the application admissible.

7. On 1 November 2004 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed Third Section (Rule 52 § 1).

8. The Government filed observations on the merits (Rule 59 § 1).

THE FACTS

9. During the applicant's birth in a public hospital, he suffered a lack of oxygen due to a delayed Caesarean section, which resulted in the permanent paralysis of his arms and legs.

10. On 30 June 1989 the applicant, represented by his parents, filed a motion for medical malpractice against the three doctors who had assisted at his birth.

11. On 27 September 1993 the Munich Regional Court (*Landgericht*), by partial judgment, rejected the applicant's motion with regard to one of the doctors.

12. On 3 November 1993 the applicant filed an appeal against the partial judgment.

13. On 26 January 1995 the Munich Court of Appeal (*Oberlandesgericht*) dismissed the applicant's appeal.

14. On 26 March 1996 the Federal Court of Justice (*Bundesgerichtshof*) refused to entertain the applicant's appeal on points of law.

15. On 4 December 1996 the Regional Court rejected the applicant's remaining claims.

16. On 8 January 1998 the Court of Appeal confirmed the Regional Court's judgment.

17. On 8 December 1998 the Federal Court of Justice refused to entertain the applicant's appeal on points of law.

18. On 18 April 2000 the Federal Constitutional Court (*Bundesverfassungsgericht*) refused to entertain the applicant's constitutional complaint.

THE LAW

19. On 24 September 2004 the Court dispatched a letter to the applicant's parents in order to inform them about the admissibility decision of 16 September 2004. This letter was returned on 15 October 2004 with the remark that the addressee could not be identified (*Empfänger nicht zu ermitteln*).

20. On 19 October and 29 December 2004 the Court dispatched that same letter by registered mail, which was returned as being undeliverable on 2 November 2004 and 14 January 2005 respectively.

21. In these circumstances, the Court concludes that the applicant, who has not submitted any new address, does not intend to further pursue his application. Accordingly, it is no longer justified to continue the

examination of the application within the meaning of Article 37 § 1 (a) and (c) of the Convention. Furthermore, the Court finds no reasons of a general character, as defined in Article 37 § 1 *in fine*, which would require the examination of the application by virtue of that Article.

22. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English, and notified in writing on 21 April 2005, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER
Registrar

Boštjan M. ZUPANČIČ
President