



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

SECOND SECTION

CASE OF BENDŽIUS v. LITHUANIA

(Application no. 67506/01)

JUDGMENT
(Striking out)

STRASBOURG

28 March 2006

FINAL

28/06/2006

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 Bendžius v. Lithuania,

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

Mr A.B. BAKA, *President*,

Mr J.-P. COSTA, *appointed to sit in respect of Lithuania*,

Mr I. CABRAL BARRETO,

Mr R. TÜRMEŃ,

Mr M. UGREKHELIDZE,

Mrs A. MULARONI,

Mrs E. FURA-SANDSTRÖM, *judges*,

and Mr S. NAISMITH, *Deputy Section Registrar*,

Having deliberated in private on 26 April 2005 and 7 March 2006,

Delivers the following judgment, which was adopted on the last-mentioned date:

PROCEDURE AND FACTS

1. The case originated in an application (no. 67506/01) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Lithuanian national, Mr Vytautas Bendžius (“the applicant”), on 19 December 2000.

2. The Lithuanian Government (“the Government”) were represented by their Agent, Ms Elvyra Baltutytė.

3. The applicant alleged, in particular, that he had been subjected to entrapment in breach of Article 6 of the Convention. His last communication to the Court was a letter dated 14 February 2004, sent from his home address in Jurbarkas, stating that he maintained his complaint under the Convention.

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. On 1 November 2004 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed Second Section (Rule 52 § 1). Ms D. Jočienė, the judge elected in respect of Lithuania, withdrew from sitting in the case (Rule 28). The Government accordingly appointed Mr J.-P. Costa, the judge elected in respect of France, to sit in her place (Article 27 § 2 of the Convention and Rule 29 § 1).

6. By a decision of 26 April 2005, the Court declared the application admissible.

7. By a letter dated 29 April 2005, the Registry informed the applicant about the decision. The applicant was invited to submit by 27 June 2005 his

observations on the merits, his position on a friendly settlement of the case and his claims for just satisfaction (Rules 59, 60 and 62 of the Rules of Court).

8. The Government filed their observations on the merits on 1 August 2005.

9. By a letter dated 11 August 2005, sent to the applicant's home address by registered post, the Registry reminded the applicant that the time-limit for submission of his observations on the merits had expired, without a reply from him. 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 where the circumstances lead to the conclusion that an applicant does not intend to pursue the application.

10. Receipt of the registered letter of 11 August 2005 was confirmed by the postal service. The applicant has not replied to this correspondence.

THE LAW

11. The Court notes that, despite the Registry's letters of 29 April and 11 August 2005, the applicant has not submitted his observations on the merits, his position on a friendly settlement of the case or his claims for just satisfaction. Nor has he made any other submissions to the Court since 14 February 2004.

12. Against this background, the Court considers that the applicant has lost interest in pursuing the application. The Court finds no reasons concerning the respect for Human Rights warranting the further examination of the case. By reference to Article 37 § 1 (a) of the Convention, the Court considers that the application should be struck out of its list of cases.

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 28 March 2006, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. NAISMITH
Deputy Registrar

A.B. BAKA
President