



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

FOURTH SECTION

CASE OF SÝKORA v. SLOVAKIA

(Application no. 31519/02)

JUDGMENT
(Striking out)

STRASBOURG

13 November 2008

FINAL

13/02/2009

This judgment may be subject to editorial revision.

In the case of Sýkora v. Slovakia,

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

Nicolas Bratza, *President*,

Giovanni Bonello,

David Thór Björgvinsson,

Ján Šikuta,

Päivi Hirvelä,

Ledi Bianku,

Nebojša Vučinić, *judges*,

and Lawrence Early, *Section Registrar*,

Having deliberated in private on 21 October 2008,

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

PROCEDURE

1. The case originated in an application (no. 31519/02) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Slovak national, Mr Milan Sýkora (“the applicant”), on 8 August 2002.

2. The applicant was represented by Mrs A. Stankovianska, a lawyer practising in Bratislava. The Slovak Government (“the Government”) were represented by Mrs M. Bálintová, their Co-Agent.

3. The applicant alleged, in particular, that his right under Article 6 § 1 of the Convention to a fair hearing and his right under Article 1 of Protocol No. 1 to peaceful enjoyment of his possessions had been violated in proceedings concerning the use of a flat.

4. By a decision of 16 October 2007, the Court declared the application admissible.

5. The Government, but not the applicant, filed further written observations (Rule 59 § 1).

THE FACTS

6. The applicant was born in 1961. At the time of introduction of the application he had his registered address in Bratislava.

7. The application concerned civil proceedings in which courts at two levels of jurisdiction had cancelled the right of joint lease of a flat held by the applicant and another person and ruled that the latter was the sole tenant. The courts had further ordered that the applicant vacate the flat within

fifteen days from the day on which a substitute flat was granted to him. The decision became final on 21 February 2002. The facts of the case are described in further detail in the Court's decision on the admissibility of the application delivered on 16 October 2007¹.

THE LAW

8. In a letter dated 24 October 2007 the Registry informed the parties of the Court's decision to declare the application admissible. The parties were invited to submit additional observations on the questions put by the Court by 18 December 2007. The applicant was also invited to submit, within the same time-limit, his claims for just satisfaction under Article 41 of the Convention.

9. The Government submitted their observations on 18 December 2007. The Court received no reply from the applicant whose representative had received the above letter on 29 October 2007.

10. On 10 January 2008 a copy of the Government's additional observations was sent to the applicant who was invited to submit by 21 February 2008 any written observations which he might wish to make. The applicant's representative was also asked to inform the Court whether the applicant intended to pursue the application.

11. In the absence of any reply by the applicant to the above letters of 24 October 2007 and 10 January 2008, the President of the Chamber decided that further information was required from the applicant concerning the division and distribution of his and his former wife's matrimonial property. The applicant was requested to submit the relevant information by 29 August 2008. He was informed that in case of no reply the Court might decide on the merits of the case on the basis of the file as it stood or, alternatively, conclude that the applicant was no longer interested in pursuing the application and decide to strike it out of its list of cases.

12. The applicant's representative received the letter of 5 August 2008 on 11 August 2008. However, no response has been received.

13. The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing 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 the continued examination of the case. In view of the above, it is appropriate to strike the case out of the list.

¹ See the Court's database HUDOC (<http://www.echr.coe.int/echr/en/hudoc>)

FOR THESE REASONS, THE COURT UNANIMOUSLY

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

Lawrence Early
Registrar

Nicolas Bratza
President