



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

SECOND SECTION

DECISION

Application no. 23562/05
by Samuel SANIAN
against Lithuania

The European Court of Human Rights (Second Section), sitting on 18 October 2011 as a Chamber composed of:

Françoise Tulkens, *President*,

Danutė Jočienė,

Dragoljub Popović,

Işıl Karakaş,

Guido Raimondi,

Paulo Pinto de Albuquerque,

Helen Keller, *judges*,

and Stanley Naismith, *Section Registrar*,

Having regard to the above application lodged on 21 June 2005,

Having regard to the observations and information submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Samuel Sanian, is a Lithuanian national who was born in 1960 and is currently serving a prison sentence in the Kybartai Prison. The Lithuanian Government (“the Government”) were represented by their Agent, Ms E. Baltutytė.

The applicant was convicted of drug-dealing.

Invoking Articles 6 and 13 of the Convention, the applicant complained to the Court that he had been subjected to entrapment and thus had not had a fair trial.

THE LAW

The Court considers that it is unnecessary to continue the examination of the present case for the reasons outlined below.

After communication of the application to the respondent Government and receipt of their observations, the applicant was invited to respond, together with his claims for just satisfaction, before 30 July 2010. The letter was sent to the applicant's home in Visaginas, which he had indicated as his address for correspondence.

On 24 August 2010 the Government informed the Court that the applicant is serving his sentence in the Kybartai Prison.

On 6 September 2010 the Court invited the applicant to submit his observations in reply to those of the Government by 2 November 2010.

Having received no news from the applicant, on 9 February 2011 the Court wrote to the administration of the Kybartai Prison, asking whether the applicant was still serving his sentence there. On 24 February 2001 the Director of the Kybartai Prison wrote to the Court that the applicant is still serving his prison sentence in Kybartai.

By a letter dated 16 June 2011, sent by registered post to the Kybartai Prison, the Court advised the applicant that the period allowed for submission of his observations had expired on 2 November 2010 and that no extension of time had been requested. His 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. The applicant received the letter on 1 July 2011. However, the Court has received no response from the applicant.

The Court considers that, in the above 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.

For these reasons, the Court unanimously

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

Stanley Naismith
Registrar

Françoise Tulkens
President