

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

FOURTH SECTION

DECISION

Application no. 50456/08
Adam BABIAK
against Poland

The European Court of Human Rights (Fourth Section), sitting on 22 January 2013 as a Committee composed of:
David Thór Björgvinsson, *President,*
Vincent A. De Gaetano,
Krzysztof Wojtyczek, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*
Having regard to the above application lodged on 22 September 2008,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Adam Babiak, is a Polish national, who was born in 1961 and lives in Stary Węgliniec.

The Polish Government ("the Government") were represented by their Agent, Mr J. Wołąsiewicz, succeeded by Ms J. Chrzanowska, of the Ministry of Foreign Affairs.

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The applicant's complaint concerning conditions of his detention was communicated to the Government, who did not submit their observations on the admissibility and merits. On 22 June 2012 the applicant was invited to submit his own observations together with any claims for just satisfaction by 18 July 2012. The letter was sent to the applicant's home address which he provided in his earlier letter of 28 February 2012. No reply was received.

By letters dated 8 August 2012 and 24 October 2012, sent by registered post, 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 of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. Both letters came back as unclaimed. The applicant failed to inform the Registry about any other address where he might be staying.

THE LAW

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.

For these reasons, the Court unanimously

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

Fatoş Aracı
Deputy Registrar

David Thór Björgvinsson
President