

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

FOURTH SECTION

DECISION

Application no. 46301/08
Łukasz BEDNARZ
against Poland

The European Court of Human Rights (Fourth Section), sitting on 18 June 2013 as a Committee composed of:

Päivi Hirvelä, *President,*
Ledi Bianku,
Paul Mahoney, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 23 September 2008,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Łukasz Bednarz, is a Polish national, who was born in 1982 and lives in Bielsko-Biała.

He was represented before the Court by Mr J. Sikora, a lawyer practising in Bielsko-Biała.

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

The applicant complained under Article 5 § 4 of the Convention that neither he nor his lawyer had been permitted to take part in the court session concerning extension of his detention on remand.

The applicant's complaint was communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letters dated 29 August 2012, 7 January and 24 April 2013, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired and that no extension of that time-limit had been requested.

The applicant's representative'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. However, no response has been received.

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	Päivi Hirvelä President