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

FOURTH SECTION

DECISION

Application no. 46895/12
Dariusz CZAIŃSKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 8 March 2016 as a Committee composed of:

Nona Tsotsoria, *President,*
Krzysztof Wojtyczek,
Gabriele Kucsko-Stadlmayer, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 9 July 2012,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Dariusz Czaiński, is a Polish national, who was born in 1966 and lives in Poznań.

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

The applicant complained under Article 3 of the Convention about the overcrowding and inadequate living conditions during his detention.

The applicant's complaints were communicated to the Government, who submitted their friendly settlement declaration. The friendly settlement declaration was forwarded to the applicant, who was requested to inform the Registry whether he would accept the settlement in question and to transmit the declaration to that effect duly dated and signed by 18 May 2015. The letter was received by the applicant on 19 May 2015. However, no reply was received to the Registry's letter.

By letter dated 16 November 2015, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired and that no extension of time had been requested. 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. The applicant received this letter on 25 November 2015. However, no reply 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.

Done in English and notified in writing on 31 March 2016.

Fatoş Aracı
Deputy Registrar

Nona Tsotsoria
President