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

FOURTH SECTION

DECISION

Application no. 5559/17
Valică DRĂGAN
against Romania

The European Court of Human Rights (Fourth Section), sitting on 1 February 2024 as a Committee composed of:

Anja Seibert-Fohr*, President*,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 23 December 2016,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Valică Drăgan, was born in 1960.

On 23 September 2021 the Court (Fourth Section), sitting as a Committee, delivered a decision in a group of cases, which included the present application (see *Bîlea and Others v. Romania* (dec.) [Committee], nos. 40226/16 and 3 other applications), and decided to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention on the basis of a unilateral declaration submitted by the Romanian Government ("the Government"), acknowledging a violation of Article 3 of the Convention due to the applicant's inadequate conditions of detention and awarding him 4,500 euros (EUR) in respect of pecuniary and non-pecuniary damage and costs and expenses.

On 5 January 2022 the Government made a request to restore the application to the Court's list of cases, as during the enforcement of the Court's decision they had learned that the applicant had died on 1 February 2018 and no heir had manifested an intention to pursue the proceedings before the Court in the applicant's place.

On 3 February 2022 the Court decided, under Rule 43 § 5 of the Rules of the Court, to disjoin the present application from those to which it had been

joined (see above) and to restore it to its list of cases, considering the fact of the applicant's death.

By a letter dated 10 February 2022 sent to the applicant's last known address, the applicant's potential heirs were notified that the application had been restored to the Court's list of cases. They were invited to inform the Court whether they wished to pursue the application before the Court. Their attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that they do not intend to pursue the application. On 1 June 2022, a second letter was sent by registered post, requesting for information to be submitted by 29 June 2022. This letter was handed over to the applicant's father on 14 June 2022. No reply was received by the Court to date.

THE LAW

In the light of the foregoing, the Court concludes that the applicant's potential heirs do not wish to pursue the application within the meaning of Article 37 § 1 (a) of the Convention.

Accordingly, the case should be struck 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 22 February 2024.

Viktoriya Maradudina Acting Deputy Registrar	Anja Seibert-Fohr President