

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

THIRD SECTION

DECISION

Application no. 121/05
Venera DUCARIU
against Romania

The European Court of Human Rights (Third Section), sitting on 12 February 2013 as a Committee composed of:

Alvina Gyulumyan, *President,*
Kristina Pardalos,
Johannes Silvis, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 14 December 2004,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Venera Ducariu, is a Romanian national, who was born in 1926 and lives in Bucharest.

The Romanian Government ("the Government") were represented by their Agent, Mr Răzvan-Horaţiu Radu, from the Ministry of Foreign Affairs.

Invoking Article 6 of the Convention the applicant complained about a breach of her right of access to court and to a trial within a reasonable time in respect of the proceedings opened by her for the recovery of property rights over immovable property. Relying on Article 1 of Protocol No. 1 to the Convention, the applicant complained of a breach of her property rights following the refusal of the domestic authorities to return her property.

The applicant's complaints were 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 her own observations. No reply was received to the Court's letter.

By letter dated 16 November 2009, sent by registered post, the applicant was notified that the period allowed for submission of her observations had expired on 28 September 2009 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 19 November 2009. 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 her 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.

Marialena Tsirli
Deputy Registrar

Alvina Gyulumyan
President