CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

FINAL DECISION

Application no. 54006/00
by Dimitar Georgiev DURGOV
against Bulgaria

The European Court of Human Rights (First Section), sitting on 9 December 2004 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mrs N. VAJIĆ,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr S.E. JEBENS, *judges*,
and Mr S. NIELSEN, *Registrar*,

Having regard to the above application lodged on 20 October 1999,
Having regard to the partial decision of 2 September 2004,
Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Dimitar Georgiev Durgov, is a Bulgarian national who was born in 1967. He was represented before the Court by Mrs V. Kelcheva, a lawyer practising in Pazardzhik.

The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

1. The applicant's pre-trial detention

On 10 August 1999 a preliminary investigation was opened against the applicant for theft. On the same day he was arrested for 24 hours.

On 11 August 1999 the applicant was charged with theft and remanded in custody upon a decision of the Pazardjik Prosecutor's Office.

On 21 December 1999 an indictment against the applicant was apparently submitted to the Pazardjik District Court.

As of the date of the last communication of the applicant to the Court of 28 December 1999 he had not appealed against his detention.

2. The conditions of detention

Between 10 August 1999 and 2 November 1999 the applicant was detained at the Pazardjik Regional Investigation Service. From 2 November 1999 onwards he was detained at the Pazardjik Prison where he remained at least until the date of his last communication to the Court of 28 December 1999.

Upon the submissions of the applicant, there was (1) insufficient oxygen in the cells; (2) inadequate hygiene and the presence of parasites (fleas and wood worms), skin infections (scabies) and rodents (mice and rats); (3) not enough natural light; (4) no special recreational area; (5) unhealthy food; (6) no access to literature, newspapers, magazines, radio or television; (7) no possibility for the applicant to meet with his attorney in private at his initiative; and (8) no possibility for maintaining an active correspondence.

COMPLAINTS

1. The applicant complained under Article 5 § 3 of the Convention that he was not brought promptly before a judge or other officer authorised by law to exercise judicial power.

2. The applicant complained under Article 5 § 5 of the Convention that he does not have an enforceable right to seek compensation for being a victim of arrest or detention in contravention of the provisions of Article 5.

3. The applicant complained under Article 3 of the Convention that he was subjected to inhuman or degrading treatment while being detained at the Pazardjik Regional Investigation Service and the Pazardjik Prison.

THE LAW

The applicant's last communication to the Court is of 28 December 1999.

On 8 September 2004 the Court sent, by registered mail with acknowledgement of receipt, separate letters to the applicant personally and his representative, informing them of the Court's decision of 2 September 2004. Both of these letters were returned to the Court.

The letter to the applicant's representative was returned with the mention that she is no longer practising at the address last given to the Court and has not been for at least the last two years. The letter to the applicant was returned with the mention that he has moved.

Neither the applicant nor his representative informed the Court of their new addresses, as required under Rule 47 § 6 of the Rules of Court.

In these circumstances, the Court finds that the applicant has lost interest in his application and does not intend to pursue it within the meaning of Article 37 § 1 (a) of the Convention, which provides as follows:

> "The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application;"

Furthermore, the Court considers that respect for human rights as defined in the Convention and the protocols thereto does not require the continued examination of the application (Article 37 § 1 *in fine*).

In these circumstances, the Court finds that the application should be struck out of its list of cases in accordance with Article 37 § 1 (a) of the Convention.

For these reasons, the Court unanimously

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

Søren NIELSEN
Registrar

Christos ROZAKIS
President