

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

THIRD SECTION

DECISION

Application no. 39679/05
Virgil FLESERIU
against Romania

The European Court of Human Rights (Third Section), sitting on 13 November 2012 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 19 October 2005,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Virgil Fleseriu, was a Romanian national, who was born in 1933 and lived in Deva.

The Romanian Government ("the Government") were represented by their Agent, Mrs Irina Cambrea, from the Ministry of Foreign Affairs.

The applicant complained under Article 6 § 1 of the Convention and under Article 1 of Protocol No. 1 to the Convention about the non-enforcement of a final judgment in his favour.

The applicant's complaints were communicated to the Government, who on 10 February 2012, informed the Court that the applicant had died on 25 June 2007. No heirs expressed the whish to pursue the application.

THE LAW

In these circumstances, in the absence of any heir expressing the will to take over and continue the application, 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 within the meaning of Article 37 § 1 *in fine* of the Convention.

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