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

SECOND SECTION

DECISION

Application no. 15431/14
Róbert FORTUNA
against Hungary

The European Court of Human Rights (Second Section), sitting on 2 June 2015 as a Committee composed of:

Helen Keller, *President*,
András Sajó,
Robert Spano, *judges*,
and Abel Campos, *Deputy Section Regi*strar,

Having regard to the above application lodged on 18 March 2014,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Róbert Fortuna, is a Hungarian national, who was born in 1983. When introducing the application, he was detained at Pálhalma Prison.

The Hungarian Government ("the Government") were represented by Mr Z. Tallódi, Agent, Ministry of Justice.

The circumstances of the case

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

From 23 April 2013 the applicant was held in various Hungarian prisons which, he claimed, were overcrowded at the time of his detention. In particular, he was held at Borsod-Abaúj-Zemplén County Prison from 23 to 26 April 2013 where he was detained in a cell measuring 20 square metres and accommodating fourteen prisoners (that is, 1.4 square metres gross living space per inmate). From 26 April 2013 he was held at Pálhalma Prison which is 300 kilometres away from his home. The cell in which he

was detained measured approximately 40 square metres and accommodated sixteen prisoners (that is, 2.4 square metres gross living space per inmate). He alleged that due to the poor ventilation it was choking hot in the cell in summertime. The cells were infested with cockroaches and the quality and quantity of the food provided were poor.

COMPLAINTS

The applicant complained that his detention at Borsod-Abaúj-Zemplén County Prison and Pálhalma Prison in overcrowded cells amounted to inhuman and degrading treatment which infringed Article 3 of the Convention.

Moreover, he complained under Article 8 of the Convention about his detention at Pálhalma Prison which is at a distance of 300 kilometres from the place of stay of his family.

PROCEDURE

On 6 June 2014 the Court invited the Government to submit observations on the admissibility and merits of the applicant's complaint regarding the conditions of detention. By a letter dated 19 June 2014, sent by registered post, the applicant was informed of this.

The Government submitted their observations on 3 October 2014.

By a letter dated 6 October 2014, the Government's observations were sent to Pálhalma Prison; and the applicant was requested to submit his observations in reply by 17 November 2014, together with his claims for just satisfaction. However, the Court's letter was returned, as undeliverable, by the Hungarian Post on 5 January 2015.

On 14 January 2015 a request for factual information was sent by the Registry to the applicant at Pálhalma Prison; but the letter was returned by the Hungarian Post as undeliverable on 2 February 2015 as the applicant had meanwhile been released. The same request was sent to the applicant's home address on 27 February 2015; but this letter was returned by the Hungarian Post as undeliverable on 2 April 2015.

No communication from the applicant's side has reached the Court since 24 March 2014.

THE LAW

The Court notes that on 6 October 2014, 14 January and 27 February 2015 registered letters were sent to the applicant; but all this correspondence was returned as undeliverable. The applicant has not approached the Court since the submission of his complaint.

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.

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 25 June 2015.

Abel Campos
Deputy Registrar

Helen Keller
President