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

# THIRD SECTION

# DECISION

Application no. 54780/07
Iulian HOATER
against Romania

The European Court of Human Rights (Third Section), sitting on 15 April 2014 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 20 November 2007,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Iulian Hoater, is a Romanian national, who was born in 1934. He lived in Cireşu.

The Romanian Government ("the Government") were represented by their Agent, Ms C. Brumar, from the Ministry of Foreign Affairs.

The applicant complained expressly and in substance under Articles 3 and 6 of the Convention about the beating he had received from third parties on the night of 21 August 2005 and about the ineffectiveness of the investigation carried out by the domestic authorities in respect of his criminal complaint lodged against the said third parties.

The applicant's complaint under Article 3 of the Convention concerning the alleged lack of an effective investigation against the third parties who had beaten him was 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 his own observations. No reply was received to the Court's letter.

By letter dated 13 January 2014, sent by registered post, the applicant was notified that the period allowed for submission of his observations had

expired on 26 November 2013 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.

On 23 January 2014 the correspondence of 13 January 2014 was returned to the Court with an information note to the effect that the applicant had died.

## THE LAW

The Court notes that the applicant has died and that no request has been submitted by his heirs to pursue the examination of the case. In these circumstances the Court concludes that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) 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 examination of the application to be continued.

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