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

FOURTH SECTION

DECISION

Application no. 16451/13
Piotr HOPPE
against Poland

The European Court of Human Rights (Fourth Section), sitting on 14 June 2016 as a Committee composed of:
Paulo Pinto de Albuquerque, *President,*
Iulia Motoc,
Gabriele Kucsko-Stadlmayer, *judges,*
and Andrea Tamietti, *Deputy Section Registrar,*
Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Piotr Hoppe, was a Polish national, who was born in 1966. He was represented before the Court by Mr P. Rał, a lawyer practising in Warszawa. The applicant died in the course of the proceedings before the Court.

2. The Polish Government ("the Government") were represented by their Agent, Ms J. Chrzanowska, of the Ministry of Foreign Affairs.

A. The circumstances of the case

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

1. The period of the applicant's detention

4. The applicant was detained in Chojnice Prison from (1) 22 November 2007 to 1 June 2008, (2) from 12 to 27 February 2010, (3) from 30 March to 8 April 2010, (4) from 30 June to 21 September 2010.

2. The conditions of the applicant's detention

5. The applicant submitted that during his detention in the above mentioned periods he had been held in overcrowded cells in which the space per person had been below the Polish statutory minimum standard of 3 m^2. Additionally, the applicant noted that other elements of living and sanitary conditions had been inadequate.

6. The domestic courts established in subsequent civil proceedings that the applicant had been committed to overcrowded cells for some time between 22 November 2007 and 1 June 2008, in particular from 4 to 7 December 2007 and from 11 December 2007 to 1 June 2008 (5 months, 25 days). Between 17 December 2007 and 11 January 2008 the overcrowding was minimal as the applicant was committed to the cell in which the space per person had been 2,9 m^2. Additionally, the applicant was working as a cook between 25 February and 1 June 2008 which allowed him to stay outside his cell during the day.

7. Otherwise, the living and sanitary conditions and the quality of food met the statutory standards. It appears that the applicant had one hot shower per week and one hour of outdoor exercises per day.

COMPLAINT

8. The applicant complained under Article 3 of the Convention about overcrowding and inadequate living conditions during his detention.

THE LAW

A. The parties' submissions

1. The applicant's submissions

9. In his letter of 25 February 2015, the applicant's lawyer informed the Court that the applicant had accepted the friendly-settlement proposal. He submitted a signed friendly-settlement declaration.

2. The Government's submissions

10. On 13 April 2015, the Government stated that the applicant had died on 10 April 2013. They confirmed this fact at the Chojnice Registry Office *(Urząd Stanu Cywilnego)* and attached a copy of the applicant's death certificate. They requested the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention.

11. The Government submitted that the applicant's lawyer had not only failed to inform the Court of the applicant's death but had also accepted the friendly-settlement proposal and signed the declaration on behalf of the applicant on 25 February 2015, i.e. almost two years after the applicant's death.

B. The Court's assessment

12. The Court notes that in his application lodged with the Court on 25 October 2012 the applicant complained, relying on Article 3 of the Convention, about overcrowding and inadequate living conditions during his detention in Koronowo Prison and in Chojnice Remand Centre.

13. On 11 February 2015 his application was communicated to the respondent Government.

14. However, it was later revealed that on 10 April 2013 the applicant had died. This development was not brought to the Court's attention by the applicant's lawyer. As noted above, it was communicated to the Court by the Government (see paragraph 10 above).

15. The Court notes that no request has been submitted by the applicant's 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.

Done in English and notified in writing on 7 July 2016.

Andrea Tamietti
Deputy Registrar

Paulo Pinto de Albuquerque
President