

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

THIRD SECTION

DECISION

Application no. 35984/07
by Tiberiu Ladislav HORVATH
against Romania

The European Court of Human Rights (Third Section), sitting on 11 January 2011 as a Committee composed of:

Elisabet Fura, *President,*
Boštjan M. Zupančič,
Ineta Ziemele, *judges*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 9 August 2007,

Having deliberated, decides as follows:

## THE FACTS

The application was lodged by Mr Tiberiu Ladislav Horvath, a Romanian national who was born in 1977 and lives in Brasov. The Romanian Government ("the Government") were represented by their Agent, Mr Răzvan-Horaţiu Radu, from the Minister of Foreign Affairs.

Under Article 3 of the Convention, the applicant complained that his state of health deteriorated as a result of his conditions of detention and that he contracted scabies and tuberculosis while imprisoned and was not treated promptly. In 2008 the applicant was released from prison (the exact date cannot be ascertained from the file).

On 27 October 2009 the applicant's complaints under Article 3 were 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. The last letter from the

applicant dates from 29 December 2009, informing the Registry that he received the Court's communication. However, no observations have been submitted by the applicant.

By letter dated 28 July 2010, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 22 April 2010 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. The applicant received this letter on 5 August 2010. However, no response has been received.

## THE LAW

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.

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.

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| Marialena Tsirli<br>Deputy Registrar | Elisabet Fura<br>President |