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

SECOND SECTION

DECISION

Application no. 8464/12
Gyula HUSZÁR
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 Registrar,*

Having regard to the above application lodged on 31 January 2012,

Having deliberated, decides as follows:

## THE FACTS

The applicant, Mr Gyula Huszár, is a Hungarian national, who was born in 1982. When introducing the application, he was detained at Budapest Correctional Facility.

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.

Criminal proceedings were being conducted against the applicant on charges of aggravated blackmail. During the pre-trial detention he was held at Budapest Correctional Facility, Block I. Subsequently, he was transferred to Pálhalma Prison.

At Budapest Correctional Facility he was detained in a cell measuring approximately 7 square metres and accommodating four prisoners (that is, 1.75 square metres gross living space per inmate).

## COMPLAINTS

The applicant complained that his detention at Budapest Correctional Facility in an overcrowded cell amounted to inhuman and degrading treatment which infringed Article 3 of the Convention.

## PROCEDURE

On 6 January 2014 the Court invited the Government to submit observations on the admissibility and merits of the applicant's complaint concerning the conditions of detention. By a letter dated 14 January 2014, sent by registered post, the applicant was informed thereof.

The Government submitted their observations on 1 September 2014.

By a letter dated 2 September 2014, the Government's observations were sent to Pálhalma Prison; and the applicant was requested to submit his observations in reply by 14 October 2014, together with his claims for just satisfaction. However, the Court's letter was returned, as undeliverable, by the Hungarian Post from Pálhalma Prison on 27 November 2014.

On 14 January 2015 a request for factual information were 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 re-sent to the applicant's home address on 27 February 2015; but this letter was also returned as undeliverable on 2 April 2015.

No communication from the applicant's side has reached the Court since 4 October 2013.

## THE LAW

The Court notes that on 2 September 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 4 October 2013.

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