

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

FOURTH SECTION

DECISION

Application no. 28375/06
by Dzhan IVATSI
against Bulgaria

The European Court of Human Rights (Fourth Section), sitting on 24 May 2011 as a Committee composed of:

Ljiljana Mijović, *President,*
Lech Garlicki,
Nebojša Vučinić, *judges,*

and Fatoş Aracı, *Deputy Section Registrar*,

Having regard to the above application lodged on 29 June 2006,

Having regard to the correspondence with the parties,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Dzhan Ivatsi, is an Iranian national who was born in 1965 and lives in Sofia. He was represented before the Court by Ms I. Savova and Mr G. Toshev, lawyers practising in Sofia. The Bulgarian Government ("the Government") were represented by their Agent, Ms N. Nikolova, of the Ministry of Justice.

The applicant complained, in particular, that his detention pending deportation had been unlawful, arbitrary and excessively lengthy, that he had not been informed promptly of the reasons for his arrest, and that he had not been able to avail himself of effective proceedings in which to challenge his detention.

After notice of the application was given to the Government, by a letter dated 29 July 2010 their observations were sent to the applicant, who was

requested to submit, by 23 September 2010, observations in reply, together with any claims for just satisfaction. As the applicant did not reply to that letter, by further letter, dated 25 November 2010 and sent by registered post to the applicant's legal representatives, the applicant's attention was drawn to the fact that the time-limit for submitting observations and claims had expired, and that no extension of time had been requested. He was reminded that, under Article 37 § 1 (a) of the Convention, the Court may strike a case out of its list where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. On 12 January 2011 that letter was received back at the Court with a note by the Bulgarian Post Office that it had not been sought by the addressee. Neither the applicant nor his legal representatives have to date resumed correspondence with the Court.

THE LAW

The Court considers that, in these circumstances, and in view of the terms of Rule 37 § 1 of its Rules, which provides that "[c]ommunications or notifications addressed to the ... advocates of the parties shall be deemed to have been addressed to the parties", 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.

Fatoş Aracı
Deputy Registrar

Ljiljana Mijović
President