

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

FOURTH SECTION

DECISION

Application no. 35846/06
Józef JĘDRUCH
against Poland

The European Court of Human Rights (Fourth Section), sitting on 20 March 2012 as a Chamber composed of:

David Thór Björgvinsson, *President,*
Lech Garlicki,
Päivi Hirvelä,
Ledi Bianku,
Zdravka Kalaydjieva,
Nebojša Vučinić,
Vincent A. De Gaetano, *judges,*

and Lawrence Early, *Section Registrar,*

Having regard to the above application lodged on 23 September 2006,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Józef Jędruch, is a Polish national who was born in 1972 and lives in Częstochowa. The Polish Government ("the Government") were represented by their Agent, Mr Jakub Wołąsiewicz of the Ministry of Foreign Affairs.

The applicant's complaint that his pre-trial detention had exceeded a "reasonable time" within the meaning of Article 5 § 3 of the Convention was communicated and the parties submitted their observations on the admissibility and merits.

In view of the fact that on 21 June 2011 the applicant's case no. 8915/09 was struck out of the list of the Court's cases because of the applicant's failure to pursue it, by letters dated 29 November 2011, sent by registered post to all the applicant's known addresses, the applicant was asked whether he wished to pursue the present application. 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. It was unclear if the applicant received any of these letters. Consequently, by similar letters dated 19 January 2012, sent by registered post, the applicant was asked to inform the Registry by 9 February 2012 whether he wished to pursue the present application. The applicant collected one of these letters on 24 January 2012. 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.

Lawrence Early
Registrar

David Thór Björgvinsson
President