

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

FIRST SECTION

DECISION

Application no. 38392/08
by Tonći KATAVIĆ
against Croatia

The European Court of Human Rights (First Section), sitting on 13 January 2011 as a Committee composed of:

Khanlar Hajiyev, *President,*
Nina Vajić,
Dean Spielmann, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 22 July 2008,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Tonći Katavić, is a Croatian national who was born in 1977 and lives in Split. The Croatian Government ("the Government") are represented by their Agent, Ms Š. Stažnik.

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

On 5 September 2007 the applicant was placed in pre-trial detention in connection with criminal proceedings brought against him on charges of embezzlement.

He was first detained at Bilice Prison and later at Rijeka Prison.

During the hearings held before the trial court, as well as at a hearing when the first-instance judgment was pronounced (the exact date remains unknown), which was also broadcast on national television, he was handcuffed.

COMPLAINTS

The applicant complained, under Article 3 of the Convention, that he had been handcuffed at the hearings during the criminal trial against him and also when the first-instance judgment had been pronounced, which had been broadcast on television. He further complained that, in both prisons, he had endured overcrowded and unhygienic conditions.

The applicant further complained, under Article 5 of the Convention, about the grounds and duration of his pre-trial detention.

THE LAW

By letter dated 14 June 2010 the Government's observations were sent to the applicant, who was requested to submit any observations together with any claims for just satisfaction in reply by 26 July 2010.

By letter dated 15 October 2010, sent by registered post, the applicant was notified that the period allowed for submission of the applicant's observations had expired on 26 July 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 20 October 2010. However, no response has been received.

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.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President