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

FOURTH SECTION

DECISION

Application no. 60373/11
Jarosław KOŚCIELAK
against Poland

The European Court of Human Rights (Fourth Section), sitting on 22 March 2016 as a Committee composed of:

Paulo Pinto de Albuquerque, *President,*
Krzysztof Wojtyczek,
Iulia Antoanella Motoc, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 14 September 2011,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Jarosław Kościelak, is a Polish national, who was born in 1974 and lives in Poznań.

The Polish Government ("the Government") were represented by their Agent, Mrs J. Chrzanowska, of the Ministry of Foreign Affairs.

The applicant complained under Articles 9 and 17 of the Convention that he was not allowed to attend his father's funeral without the prison officer's escort. He further alleged that the decision to grant him leave under escort deprived him of an effective possibility to participate in the funeral, due to disproportionately severe and humiliating safety measures imposed.

The applicant's complaints 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. No reply was received to the Registry's letter.

By letter dated 27 February 2015, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 2 May 2014 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 11 March 2015. 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.

Done in English and notified in writing on 14 April 2016.

Fatoş Aracı
Deputy Registrar

Paulo Pinto de Albuquerque
President