

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

FOURTH SECTION

DECISION

Application no. 46817/06
Piotr KOSIAK
against Poland

The European Court of Human Rights (Fourth Section), sitting on 3 April 2012 as a Chamber composed of:
David Thór Björgvinsson, *President,*
Lech Garlicki,
Päivi Hirvelä,
George Nicolaou,
Ledi Bianku,
Zdravka Kalaydjieva,
Vincent A. De Gaetano, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*
Having regard to the above application lodged on 25 October 2006,
Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Piotr Kosiak, was a Polish national who was born in 1975 and who died on 12 July 2007. The Polish Government ("the Government") were represented by their Agent, Mr J. Wołąsiewicz of the Ministry of Foreign Affairs.

The applicant complained under Article 3 of the Convention about the allegedly inadequate living conditions and medical care provided to him during his detention, in view of his chronic kidney disease.

The application was communicated to the Government, who submitted a request to strike the application out of the list of the Court's cases on

account of the fact that the applicant had died five months prior to communication.

By letter dated 23 June 2008, the applicant's partner, K.K., informed the Registry that she wished to pursue the application in the late applicant's stead.

By letter dated 23 July 2008, the Registry invited K.K. to submit copies of certain documents necessary for further examination of the case. The applicant did not reply.

By letter dated 16 January 2012, sent by registered post, K.K., was one more time, asked to submit until 6 February 2012 the relevant documents. Her attention was also 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 late applicant's partner received this letter on 26 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 her 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

David Thór Björgvinsson
President