

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

THIRD SECTION

DECISION

Application no. 20916/08
Jozef KUČERKA
against Slovakia

The European Court of Human Rights (Third Section), sitting on 15 November 2011 as a Chamber composed of:

Josep Casadevall, *President,*
Corneliu Bîrsan,
Egbert Myjer,
Ján Šikuta,
Ineta Ziemele,
Nona Tsotsoria,
Kristina Pardalos, *judges,*

and Santiago Quesada, *Section Registrar,*

Having regard to the above application lodged on 15 April 2008,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Jozef Kučerka, is a Slovak national who was born in 1983 and lives in Žilina. He was represented before the Court by Mr Š. Bucha, a lawyer practising in Žilina.

The Government of the Slovak Republic ("the Government") were represented by their Agent, Ms M. Pirošíková.

The applicant alleged a violation of his rights under Articles 5 § 5, 6 § 1 and 14 of the Convention in connection with a judgment of the Constitutional Court of 16 October 2007 which found a violation of his

rights under Article 5 § 1 of the Convention but awarded him no just satisfaction in respect of non-pecuniary damage.

The applicant's complaint under Article 5 § 5 of the Convention was 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 25 August 2011, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired on 6 July 2011 and that no extension of time had been requested. The applicant's representative'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. Pursuant to advice of receipt (*avis de réception*) received at the Court on 11 October 2011, the applicant's representative received this letter on 13 September 2011. 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.

Santiago Quesada
Registrar

Josep Casadevall
President