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

SECOND SECTION

DECISION

Application no. 7913/13
Csaba KURTÁN
against Hungary

The European Court of Human Rights (Second Section), sitting on 2 June 2015 as a Committee composed of:
Helen Keller, *President*,
András Sajó,
Robert Spano, *judges*,
and Abel Campos, *Deputy Section Registrar*,
Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Csaba Kurtán, is a Hungarian national, who was born in 1961. When introducing the application, he was detained at Budapest Correctional Facility.

The Hungarian Government ("the Government") were represented by Mr Z. Tallódi, Agent, Ministry of Justice.

A. The circumstances of the case

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

The applicant was held at Budapest Correctional Facility, Block III which, he claimed, was overcrowded at the time of his detention beginning on 24 October 2012. In particular, the cell in which he was detained measured 14.5 square metres and accommodated four prisoners (that is, 3.6 square metres gross living space per inmate). He alleged that although he had a daily one-hour-long outdoor walk, there was no room for doing any exercise in the courtyard. Furthermore, the cell was infested with bed bugs, but the prison administration did not address this issue.

COMPLAINT

The applicant complained that his detention at Budapest Correctional Facility in overcrowded cells amounted to inhuman and degrading treatment which infringed Article 3 of the Convention.

PROCEDURE

On 6 June 2014 the Court invited the Government to submit observations on the admissibility and merits of the applicant's complaint. By letters dated 18 June and 28 July 2014, sent by registered post, the applicant was informed thereof. However, the Court's letters were returned, as undeliverable, by the Hungarian Post from both the Budapest Correctional Facility's address and the applicant's home address, respectively on 21 July and 25 August 2014.

The Government submitted their observations on 3 October 2014.

By a letter dated 6 October 2014, the Government's observations were sent to the applicant, who was requested to submit his observations in reply by 17 November 2014, together with his claims for just satisfaction. The letter was sent to the Budapest Correctional Facility which forwarded it to the applicant's home address, as he had apparently been released on 21 May 2013. This letter was returned to the Court on 22 December 2014 as undeliverable.

Moreover, on 14 January and 26 February 2015 requests for factual information were sent by the Registry to Budapest Correctional Facility and to the applicant's home address; but the letters were returned by the Hungarian Post as undeliverable.

No communication from the applicant's side has reached the Court since 13 February 2013.

THE LAW

The Court notes that on 18 June, 28 July and 6 October 2014, 15 January and 22 February 2015 registered letters were sent to the applicant; but all this correspondence was returned as undeliverable. The applicant has not approached the Court since the intrduction of his complaint.

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.

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 25 June 2015.

Abel Campos	Helen Keller
Deputy Registrar	President