

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

THIRD SECTION

DECISION

Application no. 61420/09
by Jozef LAKATOŠ
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 16 November 2009,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Jozef Lakatoš, is a Slovak national who was born in 1961 and normally resides in Žiharec. At the time of the introduciton of the application he was detained in the Hrnčiarovce nad Parnou prison.

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

The applicants complained under Article 5 § 5 of the Convention about the lack of compensation in respect of detention in the context of which the Constitutional Court had found on 2 September 2009 a violation of his rights under Article 5 § 4 of the Convention on account of the ordinary courts' failure to decide on the lawfulness of the applicant's continued detention upon his request for release and offer of pledge of lawful conduct of 22 November 2006.

The application 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 and an authority for an "advocate" to represent him in the proceedings before the Court. No reply was received to the Registry's letter.

By letter dated 25 August 2011, sent by registered post to the applicant's last known address in prison, the applicant was notified that the period allowed for submission of his observations and appointment of a lawyer had expired on 24 June and 6 July 2011 respectively 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.

On 26 September 2011 advice of receipt (*avis de réception*) was received at the Court indicating that the above registered letter had been rejected (*refusé*) with a mention "not residing [here]" (*nenachádza sa*).

By letter dated 30 September 2011, sent by registered post to the applicant's home address, the applicant was again notified and reminded as mentioned above.

Pursuant to advice of receipt received at the Court on 28 October 2011, the Court's letter of 30 September 2011 was received on 12 October 2011. However, there has been no response.

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