

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

FOURTH SECTION

DECISION

Application no. 28930/10
Paweł MATEJEK
against Poland

The European Court of Human Rights (Fourth Section), sitting on 15 January 2013 as a Committee composed of:
David Thór Björgvinsson, *President,*
Vincent A. De Gaetano,
Krzysztof Wojtyczek, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*
Having regard to the above application lodged on 4 May 2010,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Paweł Matejek, is a Polish national, who was born in 1983 and lives in Olsztyn.

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

On 16 November 2011 the President of the Fourth Section decided to communicate the applicant's complaint under Article 5 § 1 about the lawfulness of his transitory detention in a regular detention centre pending his transfer to a custodial clinic.

The Government's observations on the admissibility and merits of the application were received on 23 March 2012. The observations were forwarded to the applicant, who was invited to submit his own observations.

By letter dated 4 June 2012, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 10 May 2012 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 acknowledgement of receipt (signed by the applicant's mother) was returned to the Court indicating that the letter was delivered on 25 June 2012. A similar letter was sent to the applicant by registered post on 14 August 2012. The acknowledgement of receipt (signed by the applicant) was returned to the Court indicating that the letter was delivered on 20 August 2012.

The applicant has not to date resumed correspondence with the Court in the instant case.

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.

Fatoş Aracı
Deputy Registrar

David Thór Björgvinsson
President