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

FOURTH SECTION

DECISION

Application no. 55461/09
Constantin MITU-PAPAI
against Romania

The European Court of Human Rights (Fourth Section), sitting on 23 February 2016 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Krzysztof Wojtyczek,
Iulia Antoanella Motoc, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 5 October 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Constantin Mitu-Papai, is a Romanian national, who was born in 1973 and is detained in Giurgiu. He was represented before the Court by Ms H.L. Mitu-Papai, his wife.

The Romanian Government ("the Government") were represented by their Agent, Ms C. Brumar, from the Ministry of Foreign Affairs.

The applicant complained notably under Article 6 § 1 of the Convention that he had been heard by the police without the presence of counsel and that that initial statement, although consistently retracted throughout the subsequent proceedings, constituted the basis of his conviction.

The applicant's complaint 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 10 December 2015, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired on 15 October 2015 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. The applicant's representative received this letter on 28 December 2015. 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.

Done in English and notified in writing on 17 March 2016.

Fatoş Aracı
Deputy Registrar

Vincent A. De Gaetano
President