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

FOURTH SECTION

DECISION

Applications nos. 39729/16 and 50293/16
Fănel MODERATU against Romania
and Neculai TRĂSCĂOANU against Romania
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 2 February 2023 as a Committee composed of:

Armen Harutyunyan*, President*,
Anja Seibert-Fohr,
Ana Maria Guerra Martins*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of the applicants is set out in the appendix.

The applicants' complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Romanian Government (see the appended table for the relevant dates), the friendly settlement procedure being set in motion through the offices of the Registrar upon communication.

No reply was received by the Court from the applicants within the provided deadline. By letters sent by registered post, the applicants were notified that the Court received no reply within the time allowed for the submission of their response and that they were provided with a new deadline for submitting a response (see the appended table for the relevant dates). The applicants' attention was further drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application.

The registered letters either returned to the Court or were received by the applicants (see details in the appended table). No reply to the letters has been

received by the Court and there are no previous letters from the applicants informing the Court about the change of address. The last correspondence from them predominantly dates back several years as well (see the appended table for the relevant dates).

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

In the light of the foregoing, in the absence of any recent correspondence from the applicants and considering that, following the communication of the application to the Government, no reply was received to the Court's letters, the Court concludes that the applicants may be regarded as no longer wishing to pursue the applications (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 the Protocols thereto which require the continued examination of the applications.

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases.

Done in English and notified in writing on 2 March 2023.

Viktoriya Maradudina Acting Deputy Registrar	Armen Harutyunyan President

APPENDIX

List of applications raising complaints under Article 3 of the Convention (inadequate conditions of detention)

No.	Application no. Date of introduction	Applicant's name Year of birth	Date of the applicant's last communication to the Court	Date of communication of the application to the Government	Time-limit for submitting response by the applicant	Date of the Court's registered letter	Date of return/delivery of the registered letter	Date of the applicant's release from prison
1.	39729/16 29/07/2016	**Fănel MODERATU** 1977	21/10/2020	23/05/2022	12/09/2022	26/09/2022	Letter returned as unclaimed on 05/12/2022	08/05/2018
2.	50293/16 09/09/2016	**Neculai TRĂSCĂOANU** 1968	02/11/2020	23/05/2022	12/09/2022	26/09/2022	Letter delivered to the applicant on 11/10/2022 (illegible signature)	The applicant is still detained; his application refers only to the period of detention from 05/12/2008 to 23/07/2012.