

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

THIRD SECTION

DECISION

Application no. 2175/05
Ion NICOLAE
against Romania

The European Court of Human Rights (Third Section), sitting on 18 June 2013 as a Commitee composed of:

Alvina Gyulumyan, *President,*
Kristina Pardalos,
Johannes Silvis, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 30 December 2004,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Ion Nicolae, is a Romanian national, who was born in 1969 and lives in Râmnicu Vâlcea.

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

The applicant complained under Articles 5 § 3 and 6 § 2 of the Convention about the length of his pre-trial detention and the alleged breach of the *presumption* of innocence.

The applicant's complaints were 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 19 February 2013, sent by registered post, the applicant was notified that the period allowed for submission of his observations had

expired on 12 December 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 applicant received this letter on 11 March 2013. 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.

Marialena Tsirli Deputy Registrar	Alvina Gyulumyan President