

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

FOURTH SECTION

DECISION

Application no. 26259/07
by Djeluša NUCULOVIĆ
against Montenegro

The European Court of Human Rights (Fourth Section), sitting on 22 February 2011 as a Committee composed of:

Päivi Hirvelä, *President,*
Ledi Bianku,
Zdravka Kalaydjieva, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 4 June 2007,

Having deliberated, decides as follows:

THE FACTS

The application was lodged by Ms Djeluša Nuculović, a Montenegrin national who was born in 1952 and lives in Ubli, Podgorica. The applicant is mentally disabled and is represented by her brother, Mr R. Nuculović, who is also her legal guardian in the proceedings before the domestic courts. On 12 April 2010 the applicant's brother authorised Ms J. Kasalica, a lawyer practising in Podgorica, to represent the applicant in the proceedings before the Court. The Montenegrin Government ("the Government") were represented by their Agent, Mr Z. Pažin.

The applicant complains about non-enforcement of the final court's judgment concerning the allocation of social housing. The judgment at issue became final on 26 September 2006, and on 6 February 2007 it was confirmed by the Supreme Court. On 27 December 2007 the Court of First Instance issued an enforcement order (*rješenje o izvršenju*).

It would appear that there had been no procedural developments by 15 March 2010, when the applicant's complaint was communicated to the Government. On 29 June 2010 the Government submitted their observations on the admissibility and merits. The observations were transmitted to the applicant's legal representative who was invited to submit her client's observations by 18 August 2010.

In a telephone conversation of 6 October 2010 the applicant's legal representative informed the Registry that another set of domestic proceedings had been initiated in the meantime, and that she did not intend to send the observations at the time hoping that the issue would be resolved domestically.

Finally, by a letter of 18 October 2010, sent by registered post, the Court reminded the applicant's legal representative that the observations had not been submitted and that no extension of the time-limit had been requested. Nevertheless, she was invited to comply with the previous request by 1 November 2010. She was also warned, in accordance with Article 37 § 1 (a) of the Convention, that the Court might strike a case out of its list of cases where it concluded that the applicant did not intend to pursue the application. The applicant's legal representative received this letter on 25 October 2010, but has not responded to date.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her 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 examination of the application to be continued.

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

Päivi Hirvelä
President