

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

THIRD SECTION

DECISION

Application no. 8542/04
Aigars POŠEVS
against Latvia

The European Court of Human Rights (Third Section), sitting on 27 March 2012 as a Committee composed of:
Alvina Gyulumyan, *President,*
Ineta Ziemele,
Mihai Poalelungi, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*
Having regard to the above application lodged on 1 March 2004,
Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Aigars Poševs, is a Latvian national who was born in 1972 and is serving a prison sentence in Jēkabpils. He is represented before the Court by Ms A. Rozenberga, a lawyer practising in Jēkabpils. The Latvian Government ("the Government") are represented by their Agent, Mrs I. Reine.

In his application to the Court the applicant complained about, among other things, the opening of the Court's letters addressed to him by the administration of Daugavpils prison.

The applicant's complaints in that regard were communicated to the Government, who submitted their observations on the admissibility and merits on 10 May 2011.

By letter dated 29 September 2011 the President of the Section agreed exceptionally to extend to 31 October 2011 the time allowed for submission

of the applicant's observations on the admissibility and merits of the above application, and sent the Government's observations to the applicant's representative. No response was received by the Court.

By letter dated 29 November 2011, sent by registered post, the applicant's representative was notified that the period allowed for submission of the applicant's observations had expired 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 8 December 2011. However, no response has been received.

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