

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

THIRD SECTION

DECISION

Application no. 42540/09
by Gabriel RADU
against Romania

The European Court of Human Rights (Third Section), sitting on 11 October 2011 as a Committee composed of:

Alvina Gyulumyan, *President,*
Luis López Guerra,
Nona Tsotsoria, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 30 July 2009,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Gabriel Radu, is a Romanian national who was born in 1966 and lives in Bucharest. The Romanian Government ("the Government") were represented by their Agent, Mr. Răzvan-Horaţiu Radu, from the Ministry of Foreign Affairs.

Relying on Article 6 § 1 of the Convention the applicant complained of a breach of his right to a fair trial, in so far as the domestic courts failed to indicate the reasons for their judgment dismissing his application to change the legal classification of his offence. Invoking Article 6 § 3 (c) of the Convention, the applicant also complained of a breach of his right to defence, in so far as during the proceedings before the domestic courts he was provided with a public defence lawyer who failed to support his claim before the courts.

The applicant's above-mentioned complaint under Article 6 § 3 (c) of the Convention was communicated to the Government, who submitted their observations on the admissibility and merits of the case. The observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Court's letter.

By a letter dated 22 March 2011, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 9 March 2011 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 8 April 2011. 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