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

FOURTH SECTION

DECISION

Application no. 32461/09
Rafał SZALKIEWICZ
against Poland

The European Court of Human Rights (Fourth Section), sitting on 2 February 2016 as a Committee composed of:

Nona Tsotsoria, *President,*
Vincent A. De Gaetano,
Krzysztof Wojtyczek, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 2 June 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Rafał Szalkiewicz, is a Polish national, who was born in 1977 and lives in Gdańsk.

The Polish Government ("the Government") were represented by their Agent, Ms J. Chrzanowska, of the Ministry of Foreign Affairs.

The applicant complained under Article 5 § 5 of the Convention about the refusal to award him compensation for his allegedly unjustified detention on remand and under Article 6 § 1 about the unreasonable length of the criminal proceedings.

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 27 October 2015, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 27 August 2015 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's sister received this letter on 4 November 2015. However, no response has been received.

By letter dated 27 November 2015, sent by registered post, the applicant was again informed about the expiry of a time-limit for submission of his observations. 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.

Done in English and notified in writing on 25 February 2016.

Fatoş Aracı
Deputy Registrar

Nona Tsotsoria
President