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

FOURTH SECTION

DECISION

Application no. 67320/13
Marian SZYRWIŃSKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 3 May 2016 as a Committee composed of:

Nona Tsotsoria, *President,*
Krzysztof Wojtyczek,
Gabriele Kucsko-Stadlmayer, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 14 October 2013,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Marian Szyrwiński, is a Polish national, who was born in 1962 and lives in Nasielsk.

The Polish Government ("the Government") were represented by their Agent, Mrs Justyna Chrzanowska.

The applicant complained under Article 3 of the Convention about the conditions of his detention in Kamińsk Prison and about the alleged denial of access to a court in so far as his appeal against the first-instance court's judgment had been rejected because of the court's excessive formalism, namely for failure to submit a double copy of the applicant's appeal.

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 for information and he was invited to submit his just satisfaction claims until 26 February 2015. No reply was received to the Registry's letter.

By letter dated 28 May 2015, sent by registered post, the applicant was notified that the period allowed for submission of his just satisfaction claims

had expired 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 Registry's letter was returned by Kamińsk Prison with the note that the applicant had been released and that no permanent address was known to the prison authorities. The applicant failed to inform the Court about his address after release.

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 26 May 2016.

Fatoş Aracı
Deputy Registrar

Nona Tsotsoria
President