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

SECOND SECTION

DECISION

Application no. 38014/22
T.J.
against Norway

The European Court of Human Rights (Second Section), sitting on 21 November 2024 as a Committee composed of:

Davor Derenčinović*, President*,
Gediminas Sagatys,
Stéphane Pisani*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 27 July 2022,

Having regard to the decision not to have the applicant's name disclosed,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, T.J., was born in 1971. He was represented by Mr F. Gundersen, a lawyer practising in Oslo.

The applicant's complaint under Article 8 of the Convention concerning the care order limiting his contacts with his daughter placed in foster care was communicated to the Norwegian Government ("the Government"), who submitted observations on the admissibility and merits. The observations were forwarded to the applicant's chosen representative, who was invited to submit observations on behalf of the applicant, together with any claims for just satisfaction. No reply was received to the Registry's letter, nor was an extension of the time-limit requested.

By a letter dated 12 September 2024, sent by registered post as well as via the Court's Electronic Communication Service (eComms), the applicant's representative was notified that the period allowed for submission of his observations had expired on 6 September 2024 and that no extension of time had been requested. The applicant's representative's attention was further drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application.

To date, the applicant's lawyer has not downloaded the letter from eComms, nor has the Court received confirmation of receipt of the letter sent by post. Consequently, no response to the Court's letter has been received.

Furthermore, the applicant's representative's last login into eComms dates from 23 April 2024, when the Court informed him of the start of the contentious phase of the proceedings.

THE LAW

In the light of the above developments, and of the terms of Rule 37 § 1 of the Rules of Court, according to which "communications or notifications addressed to the ... advocates of the parties shall be deemed to have been addressed to the parties", and of paragraph 1 of the Practice Direction on Electronic Filing by Applicants, according to which "after the communication of a case, applicants who have opted to file pleadings electronically ... shall accept written communications sent to them by the Registry of the Court by means of eComms", the applicant may be regarded as no longer intending to pursue the application within the meaning of Article 37 § 1 (a) of the Convention.

There are, furthermore, no special circumstances regarding respect for human rights as defined in the Convention and the Protocols thereto which require the continued examination of the application (Article 37 § 1 *in fine*).

Accordingly, the case should be struck 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 12 December 2024.

Viktoriya Maradudina Acting Deputy Registrar	Davor Derenčinović President