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

SECOND SECTION

DECISION

Application no. 54192/09
Vera TREČIOKIENĖ
against Lithuania

The European Court of Human Rights (Second Section), sitting on 18 November 2014 as a Chamber composed of:

Guido Raimondi, *President,*
András Sajó,
Nebojša Vučinić,
Helen Keller,
Paul Lemmens,
Egidijus Kūris,
Jon Fridrik Kjølbro, *judges,*

and Stanley Naismith, *Section Registrar,*

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Ms Vera Trečiokienė, is a Lithuanian national, who was born in 1953 and lives in Marijampolė. She was represented before the Court by Ms Neringa Grubliauskienė, a lawyer practising in Kaunas.

2. The Lithuanian Government ("the Government") were initially represented by their former Agent, Ms E. Baltutytė, and subsequently by their Acting Agent, Ms K. Bubnytė.

The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. On 4 November 2002 the applicant's son died in a car accident after a police car had hit him. The victim and, presumably, his friend had not

stopped a stolen car for a police check and had tried to escape. It appears that they were chased by the police car and just a few moments before the accident had left the stolen car with the lights off in the middle of the road.

5. On the same day a pre-trial investigation into the actions of the police was initiated.

6. On 5 November 2002 an experiment concerning the reconstruction of the circumstances of the accident was carried out. It was concluded that in the situation it had not been possible to avoid the collision, due to the darkness and poor visibility.

7. Between November 2002 and May 2003 several examinations were carried out. It was concluded that the main reason for the accident was the conduct of the driver of the stolen car. At the same time, there was no certainty as to whether the policemen had been able to avoid the collision.

8. On 31 July 2003 after having found that the victim had caused the accident the prosecutors discontinued the investigation. However, on 18 August 2003 upon the applicant's appeal it was reopened so that contradictions in the case file could be clarified. The applicant was granted the status of victim in the criminal case.

9. During the investigation the applicant filed several requests to submit new pieces of evidence, conduct additional examinations and question witnesses. Although initially most requests were rejected, after the applicant had appealed some of them were accepted by the superior prosecutors. The applicant's requests to withdraw the prosecutors from the case were rejected.

10. On 12 March 2004 and on 20 May 2005 two more reports on forensic examination were delivered which confirmed that the driver of the stolen car had caused the accident. In January – June 2006 several witnesses were questioned.

11. On 22 July 2008 a report on one more forensic examination which had been ordered in September 2006 was delivered. It indicated that there was no possibility of retrieving DNA from the items found inside the vehicle.

12. On 30 January 2009 the prosecutors discontinued the investigation, having established that no crime had taken place and that the accident had been caused by the negligent conduct of the victim. As to the second person, V.Č., allegedly present in the stolen car or near it before the collision, no proof was found that the latter had been driving the car and, thus, the investigation against him was also discontinued.

13. On 30 March 2009 the superior prosecutor dismissed the applicant's complaint about the unjustified discontinuation of the investigation and concluded that there were no elements of crime in the actions by the police. Besides, the proceedings had become time-barred.

14. It appears that no appeal to the courts against that decision was submitted by the applicant.

COMPLAINTS

15. The applicant complained under Article 2 of the Convention that the State authorities had not conducted an effective investigation into the circumstances of her son's death.

16. Invoking Article 6 § 1 the applicant also alleged that the length of the pre-trial investigation, which had lasted more than six years, was unreasonable.

THE LAW

17. By letter dated 22 October 2013 the Government's observations were sent to the applicant's representative, who was requested to submit any observations in reply together with any claims for just satisfaction by 3 December 2013.

18. By letter dated 9 January 2014, 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 lawyer'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 that letter on 20 January 2014. However, no response was received.

19. By a letter dated 17 June 2014, sent by registered post to the applicant's home address, the same information about expiry of the period for submission of her observations and the possibility of striking out under Article 37 § 1 (a) of the Convention was provided by the Court. No reply was received. The postal receipt was returned with the indication that the addressee had not collected the letter.

20. The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her 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 (see, among many other authorities, *Shankova v. Bulgaria* (dec.), no. 57668/00, 18 September 2007).

21. 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.

Stanley Naismith
Registrar

Guido Raimondi
President