

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

SECOND SECTION

DECISION

Application no. 15568/08
Edikas VAINORIUS
against Lithuania

The European Court of Human Rights (Second Section), sitting on 12 February 2013 as a Committee composed of:

Peer Lorenzen, *President,*
András Sajó,
Nebojša Vučinić, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 26 February 2008,

Having regard to the comments submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Edikas Vainorius, is a Lithuanian national, who was born in 1974 and lives in Šilutė. The Lithuanian Government ("the Government") were represented by their Agent, Ms E. Baltutytė.

In 2006 the applicant was held at Šiauliai and Lukiškės remand prisons. He complained that the conditions of his pre-trial detention were in breach of Article 3 of the Convention.

THE LAW

The Court considers that it is unnecessary to continue the examination of the present case for the reasons outlined below.

After communication of the application to the respondent Government and receipt of their observations, on 24 March 2012 the applicant was invited to respond, together with his claims for just satisfaction, before 23 April 2012. The letter was sent to the applicant's home address in Šilutė, which he had indicated as his address for correspondence.

Having received no reply from the applicant, on 23 May 2012 the Court advised the applicant, by a letter sent by registered post, that the period allowed for submission of his observations had expired on 23 April 2012, but no observations from him had reached the Court. The applicant received the Court's letter on 5 June 2012.

By a letter dated 5 July 2012, sent by registered post, the Court informed the applicant that it had not yet received any reply to the Court's letters of 24 March and 23 May 2012. The applicant was invited to inform the Court, before 2 August 2012, whether he wished to maintain his application. The applicant was informed that his failure to reply may lead the Court to conclude that the applicant was no longer interested in pursuing his application and the Court could thus strike the case out of its list of cases. The applicant received the letter on 25 July 2012. However, the Court has received no response from the applicant.

The Court considers that, in the above 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.

Françoise Elens-Passos
Deputy Registrar

Peer Lorenzen
President