

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

THIRD SECTION

DECISION

Application no. 5433/05
by Valērijs VASIĻJEVS
against Latvia

The European Court of Human Rights (Third Section), sitting on 31 May 2011 as a Committee composed of:

Ján Šikuta, *President,*
Ineta Ziemele,
Kristina Pardalos, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 28 January 2005,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Valērijs Vasiļjevs, is a Latvian national who was born in 1963 and was released from Brasa prison on 15 January 2010 having served his sentence. The Latvian Government ("the Government") were represented by their Agent, Mrs I. Reine.

The applicant complained, among other things, under the procedural aspect of Article 3 of the Convention, that the criminal proceedings against the police officers who had arrested him were not effective.

The applicant's complaint was 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 letters dated 16 December 2010, sent by registered post to his last two known civil addresses, the applicant was notified that the period allowed for

submission of the his observations had expired on 8 September 2010 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 did not claim these letters in the local post office; they were both therefore returned for having been "unclaimed" (the time-limit for their storage had expired).

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.

Marialena Tsirli	Ján Šikuta
Deputy Registrar	President