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

FOURTH SECTION

DECISION

Application no. 55168/16
Gelu-Dumitru VÎRTOPEANU
against Romania

The European Court of Human Rights (Fourth Section), sitting on 11 July 2024 as a Committee composed of:

Branko Lubarda*, President*,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 17 October 2016,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Gelu-Dumitru Vîrtopeanu, was born in 1973.

The applicant's complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Romanian Government (see the appended table for the relevant dates), the friendly settlement procedure being set in motion through the offices of the Registrar upon communication. As no reply was received by the Court from the applicant within the provided deadline, the Government submitted a unilateral declaration with a view to resolving the issues raised by these complaints. Still no reply was received by the Court from the applicant within the newly provided deadline.

By letter sent by registered post, the applicant was notified that the Court received no response within the time allowed for the submission of his response (see the appended table for the relevant dates). The applicant'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.

The registered letters returned to the Court as unknown (see details in the appended table). There are no previous letters from the applicant informing

the Court about a change of address. The applicant had been released from prison several years before the date of this decision (see the appended table for the relevant date).

THE LAW

In the light of the foregoing, in the absence of any correspondence from the applicant for several years and considering that, following the communication of the application to the Government, no reply was received from the applicant, the Court concludes that the applicant may be regarded as no longer wishing to pursue the application (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 the Protocols thereto which require the continued examination of the application.

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 5 September 2024.

Viktoriya Maradudina Acting Deputy Registrar	Branko Lubarda President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention)

Application no. Date of introduction	Applicant's name Year of birth	Date of the applicant's last letter to the Court	Date of sending the Government's submissions to the applicant	Time-limit for submitting response by the applicant	Date of the Court's registered letter	Date of return of the registered letter)	Date of the applicant's release from prison
55168/16 17/10/2016	**Gelu-Dumitru VÎRTOPEANU** 1973	01/02/2017	24/11/2021	04/01/2022	03/08/2023 14/11/2023	09/10//2023 Returned to sender as "unknown" 26/02/2024 Returned as "unclaimed" from the last address indicated by the applicant"	05/08/2021