

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

FOURTH SECTION

DECISION

Application no. 43584/13
Algimantas VYŠNIAUSKAS
against Lithuania

The European Court of Human Rights (Fourth Section), sitting on 18 January 2018 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Georges Ravarani,
Marko Bošnjak, *judges,*

and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 26 June 2013,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Algimantas Vyšniauskas, was born in 1980.

On 21 September 2017 the Court (Fourth Section) sitting as a Committee, decided to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention on the basis of a unilateral declaration submitted by the Lithuanian Government ("the Government") acknowledging a violation of Article 3 of the Convention due to the inadequate conditions of the applicant's detention and awarding the applicant the amount of 1,440 euros (EUR) in respect of pecuniary and non-pecuniary damages, costs and expenses.

On 21 November 2017 the Court received a letter from the Government stating that in the course of the proceedings to enforce the Court's decision, they were informed that the applicant had died on 29 July 2015. The Government also informed the Court that the representative indicated in the application form had stated that he had not had any contact with the applicant, and that the applicant had no registered heirs.

THE LAW

In the light of the foregoing, the Court considers it justified to disjoin the application from the other applications to which it was joined and to restore the application to the Court's list of cases in accordance with Rule 43 § 5 of the Rules of Court.

Having examined all the material before it, the Court concludes that the applicant does not have heirs who may be regarded as wishing to pursue the 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 the Protocols thereto which require the continued examination of the application.

Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

Decides to disjoin the application from the other applications to which it was joined;

Decides to restore the application to its list of cases;

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 8 February 2018.

Liv Tigerstedt
Acting Deputy Registrar

Vincent A. De Gaetano
President