

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

FOURTH SECTION

DECISION

Application no. 1827/08
Lech WITKOWSKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 13 November 2012 as a Committee composed of:

George Nicolaou, *President,*
Zdravka Kalaydjieva,
Vincent A. De Gaetano, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 12 December 2007,

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Lech Witkowski, is a Polish national who was born in 1959 and lives in Darłowo. The Polish Government ("the Government") are represented by their Agent, Mr J. Wołąsiewicz of the Ministry of Foreign Affairs.

The applicant, a non-smoker, complained that between 2003 and 2006 he had been held in detention in Czarne Prison in a cell for smokers. He successfully brought a civil action for compensation against the State Treasury and obtained 2,000 Polish zlotys (PLN) in compensation.

On 12 September 2011 the applicant's complaints were communicated to the Government which submitted their friendly settlement proposal.

On 16 February 2012 the applicant was invited to formally accept the Government's friendly settlement proposal by 12 April 2012. This letter

was sent again to a lawyer newly appointed by the applicant to represent him before the Court. No reply was received to both letters.

On 24 April 2012 another letter, by registered post, was sent to the applicant's representative asking him to reply to the Court's letters by 9 May 2012. 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. However, the lawyer did not collect the letter from the post office and it was returned as not claimed.

On 18 June 2012 another letter, by registered post, in the same terms as above, was sent directly to the applicant. No reply was received.

On 7 September 2012 another letter was sent to the applicant's lawyer. The new time-limit to reply to it was set for 5 October 2012. No reply was received.

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. Accordingly, 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.

Fatoş Aracı Deputy Registrar	George Nicolaou President