

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

FIRST SECTION

DECISION

Application no. 18827/15
Jacek WRÓBLEWSKI
against Poland

The European Court of Human Rights (First Section), sitting on 12 December 2017 as a Committee composed of:

Aleš Pejchal, *President,*
Krzysztof Wojtyczek,
Jovan Ilievski, *judges,*

and Renata Degener, *Deputy Section Registrar,*

Having regard to the above application lodged on 14 April 2015,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Jacek Wróblewski, is a Polish national, who was born in 1971 and is detained in Pabianice.

2. The Polish Government ("the Government") were represented by their Agent, Mrs J. Chrzanowska of the Ministry of Foreign Affairs.

3. The applicant complained under Article 3 of the Convention that during his detention in Łódź Remand Centre from 30 August to 11 September 2007, from 2 to 13 October 2007, from 15 to 23 October 2007, on 25 October 2007, from 6 to 21 February 2008, from 6 to 25 March 2008, from 16 April 2008 to 15 January 2009, from 9 March to 14 April 2009, from 25 to 26 April 2009, from 11 to 13 May 2009, from 28 May to 14 June 2009, from 30 July to 4 August 2009, from 3 to 18 September 2009, from 23 September to 27 October 2009 and from 10 to 14 March 2011 he was committed to overcrowded cells.

4. On 16 February 2017 the applicant's complaint was communicated to the Government. A friendly settlement procedure was put in place following the pilot judgment in the case of *Orchowski v. Poland*, (no. 17885/04), and the leading decision in the case of *Łatak v. Poland* (no. 52070/08).

5. On the same date the letter to the applicant enclosing a friendly settlement declaration was sent to the prison facility indicated in the case file.

6. On 5 April 2017 the Government submitted their declaration with a view to securing a friendly settlement of the case.

7. On 12 May the applicant was requested to inform the Registry by 2 June 2017 whether he accepted the settlement. The letters were sent to his home address in Pabianice and to the prison facility indicated in the case file. The letter sent to the prison facility was returned to the Court with a note that the applicant had been released on 3 July 2016 and his home address was the one in Pabianice. The letter sent to the applicant's home address was returned to the Court as the he had failed to collect it from the post office.

8. By a letter dated 12 July 2017, sent by registered post to the address in Pabianice, information on the Government's declaration was forwarded to the applicant, who was requested to inform the Registry whether he accepted the settlement. He was notified that the period allowed for submission of his declaration would expire on 2 August 2017. 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 failed to collect the letter from the post office and it was returned to the Registry.

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.

Done in English and notified in writing on 11 January 2018.

Renata Degener
Deputy Registrar

Aleš Pejchal
President