

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

FIFTH SECTION

DECISION

Application no. 60634/12
Simon XUEREB
against Malta

The European Court of Human Rights (Fifth Section), sitting on 2 June 2015 as a Committee composed of:

Angelika Nußberger, *President,*
Boštjan M. Zupančič,
Vincent A. De Gaetano, *judges,*

and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 September 2012,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Simon Xuereb, is a Maltese national, who was born in 1975 and lives in Haż-Żebbug. He was represented before the Court by Dr D. Camilleri and Dr V. Dalli, lawyers practising in Valletta.

The Maltese Government ("the Government") were represented by their Agent, Dr Peter Grech, Attorney General.

The applicant complained that he had not been assisted by a lawyer during his interrogation. As a result, once his position had been compromised by the statement he had made on that date, he claimed that he had no other alternative but to accept a plea bargaining agreement and in effect plead guilty. He invoked Article 6 § 3 in conjunction with Article 6 § 1 of the Convention.

The application was communicated to the Government on 26 May 2014. The Government made submissions which were received by the Court on 22 September 2014. By a letter of the same date the applicant's representatives were invited to submit by 3 November 2014 at the latest any written observations they might wish to make in reply on behalf of the

applicant, together with claims for just satisfaction. The applicant's legal representatives failed to reply.

By a registered letter of 1 December 2014 the applicant's legal representatives were informed that the period allowed for submission of the applicant's observations on the admissibility and merits of the application had expired on 3 November 2014 and that no extension of time had been requested. Their 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. They were further informed that should there be reasons to explain that the submissions on their clients' behalf were outstanding, they should inform the Registrar accordingly, not later than 12 January 2015, and submit such submissions within the same time-limit.

According to the records of the postal services, the letter arrived at destination on 18 December 2014. Nevertheless, the applicant's legal representatives failed to reply.

THE LAW

The Court considers that the applicant does not intend 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 25 June 2015.

Milan Blaško
Deputy Registrar

Angelika Nußberger
President