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

FOURTH SECTION

DECISION

Application no. 59815/13
Dmitrijus ZDOROVCEVAS
against Malta

The European Court of Human Rights (Fourth Section), sitting on 3 May 2016 as a Committee composed of:

Nona Tsotsoria, *President,*
Krzysztof Wojtyczek,
Gabriele Kucsko-Stadlmayer, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 September 2013,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Dmitrijus Zdorovcevas, is a Lithuanian national, who was born in 1986 and was, at the time of his application, detained in the Corradino Correctional Facility, Paola. He was unrepresented before the Court.

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

The applicant complained that he spent more than two and a half years in detention on remand and that after repeated bail refusals, he was granted bail against a deposit which he was unable to pay, thus he continued to remain in detention.

The applicant's complaint concerning Article 5 § 3 was communicated to the Government on 1 June 2015 and the remainder of the application declared inadmissible.

The Government of the Republic of Lithuania, who had been notified by the Registrar of their right to intervene in the proceedings (Article 36 § 1 of the Convention and Rule 44), did not indicate that they intended to do so.

The Government of Malta submitted their observations on the admissibility and merits on 25 September 2015. By a letter dated 9 October 2015 sent to the Corradino Correctional Facility, the applicant was reminded to appoint a representative by 6 November 2015.

No reply was received to the Registry's letter. It having become known to the Court that the applicant had been released from detention, a further attempt to deliver the relevant correspondence to his Lithuanian address (previously indicated in the application form), was made by means of a letter of 18 December 2015 sent by registered mail. The applicant was informed that failure to reply would lead the Court to the conclusion that he does not intend to pursue the application. The letter returned to the Court on 17 February 2016, it having remained unclaimed.

Subsequently, the same correspondence was sent on 21 March 2016 by registered mail to another Maltese address which transpired from the bail documents of the domestic court. On 8 April 2016 the letter was returned to the Court as the addressee had moved out.

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 26 May 2016.

Fatoş Aracı
Deputy Registrar

Nona Tsotsoria
President