



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

SECOND SECTION

DECISION

Application no. 44376/06
Valentinas RADIUKEVIČIUS
against Lithuania

The European Court of Human Rights (Second Section), sitting on 31 March 2015 as a Chamber composed of:

Işıl Karakaş, *President*,

András Sajó,

Nebojša Vučinić,

Helen Keller,

Paul Lemmens,

Egidijus Kūris,

Robert Spano, *judges*,

and Stanley Naismith, *Section Registrar*,

Having regard to the above application lodged on 26 October 2006,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Valentinas Radiukevičius, was a Lithuanian national, who was born in 1960 and lived in Vilnius.

The Lithuanian Government (“the Government”) were represented by their Agents, Ms E. Baltutytė and Ms K. Bubnytė.

The applicant complained under Article 3 of the Convention about alleged ill-treatment at a psychiatric hospital, where he was held in 2003 and 2004. He further argued that his placement in that institution was in breach of Article 5. Lastly, relying on Article 6 of the Convention, the applicant complained about the fairness of the criminal proceedings in 2003 in which he had been convicted of fraudulent accounting. In May 2006 the Supreme Court refused to reopen the applicant’s criminal proceedings.

On 14 December 2012 the Court decided to give notice of the application to the Government.

By letter of 3 April 2013 the Government informed the Court that the applicant had passed away on 1 March 2012. The information was forwarded on 4 April 2013 to the applicant's and his mother's home address, asking whether there was a person who wished to pursue the proceedings in respect of the applicant. On 13 November 2013 the Court received a letter by the applicant's mother, in which she indicated a wish to continue the case herself.

Having received the Government's written observations on the admissibility and merits of the case, by a letter of 25 September 2014 the Court invited the applicant's mother to respond to them by 6 November 2014 at the latest.

By letter dated 4 December 2014, sent by registered post, the applicant's mother was notified that the period allowed for submission of her observations had expired on 6 November 2014 and that no extension of time had been requested. Her 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 an applicant does not intend to pursue the application. The applicant's mother received this letter on 17 December 2014. However, no response has been received.

THE LAW

In the light of the foregoing, the Court concludes that the only known heir of the applicant does not wish to pursue the application within the meaning of Article 37 § 1 of the Convention. Furthermore, 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 23 April 2015.

Stanley Naismith
Registrar

Işıl Karakaş
President