



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

FOURTH SECTION

DECISION

Application no. 48303/13
Raimondas VAIVADA
against Lithuania

The European Court of Human Rights (Fourth Section), sitting on 13 September 2016 as a Committee composed of:

Vincent A. De Gaetano, *President*,

Egidijus Kūris,

Gabriele Kucsko-Stadlmayer, *judges*,

and Andrea Tamietti, *Deputy Section Registrar*,

Having regard to the above application lodged on 22 July 2013,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Raimondas Vaivada, was a Lithuanian national, who was born in 1959 and was detained in Marijampolė. He was represented before the Court by Mr K. Ašmys, a lawyer practising in Vilnius.

2. The Lithuanian Government (“the Government”) were represented by their Agent, Ms K. Bubnytė.

3. The applicant complained under Article 3 of the Convention about his conditions of detention in Šiauliai Remand Prison periodically from 29 June 2009 until 25 May 2011, from 31 May 2011 until 18 October 2011 and from 25 October 2011 onwards. He was awarded 200 Lithuanian litai (LTL, approximately 58 euros (EUR)) in compensation by the domestic courts.

4. The applicant’s complaints under Article 3 of the Convention were communicated to the Government, who submitted their observations on the admissibility and merits. These observations were forwarded to the

applicant, who was invited to submit his observations in reply, together with his claims for just satisfaction.

5. By letter dated 12 December 2014, the applicant's representative informed the Court that the applicant had passed away on 6 November 2014. On 4 February 2015 the applicant's representative was asked to indicate whether there was a person who wished to pursue the proceedings initiated by the applicant, but no response has been received. On 8 December 2015 an additional letter by registered post was sent to the applicant's representative, but no response has been received again.

THE LAW

6. In the light of the foregoing, the Court concludes that no heir of the applicant wishes 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 6 October 2016.

Andrea Tamietti
Deputy Registrar

Vincent A. De Gaetano
President