THIRD SECTION

DECISION

Application no. 9161/03
by Sergejs ZAHARENOKS
against Latvia

The European Court of Human Rights (Third Section), sitting on 3 June 2008 as a Chamber composed of:

 Josep Casadevall, *President,* Elisabet Fura-Sandström, Corneliu Bîrsan, Alvina Gyulumyan, Egbert Myjer, Ineta Ziemele, Ann Power, *judges,*and Santiago Quesada, *Section Registrar*,

Having regard to the above application lodged on 11 March 2003,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having regard to the Government’s formal declaration accepting a friendly settlement of the case,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Sergejs Zaharenoks, is a Latvian national who was born in 1945 and was serving his prison sentence at the time the application was introduced. The Latvian Government (“the Government”) are represented by their Agent, Mrs I. Reine.

The facts of the case, as submitted by the applicant, may be summarised as follows.

On 20 October 1998 the applicant was arrested on suspicion of having committed aggravated burglary. The pre-trial investigation was completed and the case sent to the Criminal Chamber of the Riga Regional Court in the beginning of 2001. On 21 October 2002 the court found the applicant guilty of the criminal offence he was suspected of and sentenced him to eight years’ imprisonment. On 27 January 2003 the Criminal Chamber of the Supreme Court upheld the judgment of the first instance court. On 24 February 2003 the Senate of the Supreme Court dismissed the applicant’s cassation appeal.

Apparently, the applicant was released on 20 October 2006.

COMPLAINTS

1.  The applicant complained under Article 5 § 3 of the Convention about the length of his pre-trial detention.

2.  The applicant complained under Article 6 § 1 of the Convention about the length of the criminal proceedings against him.

THE LAW

By letter dated 10 July 2007 and by letters dated 19 September, 17 October and 12 December 2007, sent by registered post, the applicant was respectively informed of the communication, the friendly settlement proposal and the Government’s declaration accepting the friendly settlement proposal and requested to indicate his position, accordingly. All letters were returned from the post office to the Court with indications “[addressee] unknown” or “unclaimed”.

The Court is of the opinion that the fact that the applicant’s apparent failure to inform the Court of his current whereabouts must be taken as indication that he has lost interest in pursuing his application.

Given the impossibility of establishing any communication with the applicant, the Court finds that further examination of this case is not justified. Consequently, the Court concludes 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.

 Santiago Quesada Josep Casadevall
 Registrar President