THIRD SECTION

DECISION

Application no. 31632/02
by Valdis STRAUTNIEKS
against Latvia

The European Court of Human Rights (Third Section), sitting on 1 April 2008 as a Chamber composed of:

 Josep Casadevall, *President,* Elisabet Fura-Sandström, Boštjan M. Zupančič, Alvina Gyulumyan, Ineta Ziemele, Luis López Guerra, Ann Power, *judges,*and Santiago Quesada, *Section Registrar*,

Having regard to the above application lodged on 20 August 2002,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Valdis Strautnieks, was a Latvian national who was born in 1954 and lived in Jūrmala. The Latvian Government (“the Government”) were represented by their Agent, Mrs I. Reine.

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

On 25 August 2001 the applicant was detained on suspicion of having committed aggravated burglary and placed in the Rīga Central Prison. On 3 December 2001 he was allegedly transferred to the Matīsa Prison. On 4, 15 and 30 January 2002 respectively it was decided to place the applicant in a punishment cell for fifteen days as punishment for infringements of discipline. The conditions in the punishment cell allegedly amounted to inhuman and degrading treatment. On 4 February 2002 the applicant complained to the Specialised Public Prosecutor’s Office and the Latvian Prison Administration about the imposition of the punishments and the conditions in the punishment cell. As a result, the decision of 4 January 2002 was quashed and it was decided to reprimand the applicant instead of placing him in the punishment cell as provided for by the decision of 15 January 2002.

On 8 November 2001 the Jūrmala City Court found the applicant guilty of aggravated robbery and sentenced him to four years’ imprisonment.

On 11 December 2002 the Criminal Chamber of the Rīga Regional Court quashed the judgment of the first-instance court and transferred the case to the Public Prosecutor’s Office of the City of Jūrmala for additional pre-trial investigation. It was decided, without giving any reasons, to leave the preventive measure – pre-trial detention – imposed on the applicant unchanged. The applicant appealed against the decision, asking that the case not be sent for additional investigation and for the preventive measure imposed on him to be changed to a prohibition on changing his place of domicile.

On 6 February 2003 the Criminal Chamber of the Rīga Regional Court dismissed an appeal by the applicant, without considering his request to change his pre-trial detention. This decision, on an ancillary complaint by the applicant, was upheld by the Criminal Chamber of the Supreme Court on 7 March 2003.

On 31 March 2003 the preventive measure imposed on the applicant – pre-trial detention – was changed to a prohibition on changing his place of domicile.

It remains unclear when the additional pre-trial investigation of the applicant’s case, as ordered by the Criminal Chamber of the Rīga Regional Court on 11 December 2002, was completed and when the final judgment in the criminal proceedings against the applicant was delivered.

On 31 January 2008 the Government’s Agent informed the Court that the applicant had died. None of the applicant’s relatives has contacted the Court and expressed the wish to pursue the application.

COMPLAINTS

1.  The applicant complained that the conditions of his detention in the punishment cells of the Matīsa Prison were contrary to Article 3 of the Convention and that he did not have any effective remedy in this respect, as provided by Article 13 of the Convention.

2.  The applicant complained under Articles 5 and 6 of the Convention about the length of his pre-trial detention and the criminal proceedings against him.

THE LAW

The Court observes that the applicant died on 24 September 2007 and that the letter sent by registered post to the address indicated by the applicant was returned and that none of the applicant’s relatives or heirs has contacted the Court and expressed the wish to pursue the application.

In these circumstances, the Court concludes that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention. Furthermore, the Court finds no reasons of a general character, as defined in Article 37 § 1 *in fine*, which would require the examination of the application by virtue of that Article. It therefore, decides to discontinue the application of Article 29 § 3 and to strike the application out of its list of cases.

For these reasons, the Court unanimously

*Decides* to strike the application out of its list of cases.

 Santiago Quesada Josep Casadevall
 Registrar President