



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

SECOND SECTION

DECISION

Application no. 44103/06
Bela SABO
against Serbia

The European Court of Human Rights (Second Section), sitting on 11 December 2012 as a Committee composed of:

Paulo Pinto de Albuquerque, *President*,
Dragoljub Popović,
Helen Keller, *judges*,

and Françoise Elens-Passos, *Deputy Section Registrar*,

Having regard to the above application lodged on 23 October 2006,
Having regard to the correspondence submitted by the Government,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Bela Sabo, a Serbian national, was born in 1933 and lived in Zrenjanin. He was represented before the Court by Mr L. Lapadat, a lawyer practising in Zrenjanin.

The Serbian Government (“the Government”) were represented by their Agent, Mr S. Carić.

The applicant complained under Article 6 § 1 of the Convention about the excessive length of the civil proceedings for compensation of damages.

On 22 October 2008 the applicant’s complaints were communicated to the Government, who submitted their observations on the admissibility and merits. The Government also informed the Court that the applicant had died on 21 June 2007.



On 8 July 2009 the Government's observations were forwarded to the applicant's representative. On 28 July 2009 the applicant's representative forwarded an unsigned letter allegedly containing observations of the applicant's spouse.

In a letter of 7 December 2009, sent by registered post, the Registry asked the applicant's representative to indicate whether the wife of the deceased applicant intended to pursue the case before the Court and if so, he was asked to produce the authority form. This letter was not served on the applicant's lawyer.

By a letter of 4 June 2010, sent by registered post, the applicant's representative was invited to comply with the previous request by 2 July 2010. He was also warned that the Court might strike the application out of the list of cases where it concluded that the applicant did not intend to pursue the application. The applicant's representative received this letter on 10 June 2010, but has not responded to date.

The Court received no letters either from the applicant's spouse or any other relative who would wish to pursue the application on behalf of the applicant.

THE LAW

The Court notes that in a number of cases in which the applicant died while the application was pending before the Court it has taken into account the statements of the applicant's heirs or close family members expressing the wish to pursue the proceedings before the Court (see, among other authorities, *Deweert v. Belgium*, 27 February 1980, § 37, Series A no. 35; *Malhous v. the Czech Republic* (dec.), no. 33071/96, ECHR 2000-XI; *Kovačić and Others v. Slovenia*, nos. 44574/98, 45133/98 and 48316/99, § 178, 6 November 2006). However, in cases where no heirs or close relatives expressed the wish to pursue the application, it has been the Court's practice to strike the applications out of the list of cases (see, among other authorities, *Scherer v. Switzerland*, judgment of 25 March 1994, Series A no. 287, pp. 14-15, § 31; *Thevenon v. France* (dec.), no. 2476/02, ECHR 2006-III), unless special circumstances, as defined in Article 37 § 1 *in fine*, existed that required the examination of the application (see *Karner v. Austria*, no. 40016/98, § 27, ECHR 2003-IX).

In view of the above it appears that the applicant died in the course of the proceedings. The applicant's representative failed to reply to the Court's invitation to indicate whether the applicant's spouse wished to pursue the application. No other heir or any close relative has come forward with such a wish either.

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, 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 examination of the case to be continued (contrast *Karner v. Austria*, no. 40016/98, §§ 24-28, ECHR 2003-IX).

For these reasons, the Court unanimously

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

Françoise Elens-Passos
Deputy Registrar

Paulo Pinto de Albuquerque
President