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

SECOND SECTION

DECISION

Application no. 40077/11
Obaid Abdullah Obaid AL OTAIBI
against Turkey

The European Court of Human Rights (Second Section), sitting on 1 July 2014 as a Committee composed of:

Nebojša Vučinić, President,
Paul Lemmens,
Egidijus Kūris, judges,

and Abel Campos, *Deputy Section Registrar,*

Having regard to the above application lodged on 30 June 2011,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Obaid Abdullah Obaid Al Otaibi, is a Saudi Arabian national, who was born in 1987. He currently lives in Saudi Arabia. He was represented before the Court by Mr S. Karahan, a lawyer practising in Istanbul.

The Turkish Government ("the Government") were represented by their Agent.

On 20 January 2011 the applicant was detained pending an investigation initiated by the Adana public prosecutor upon the request of the Saudi Arabian authorities for the applicant's extradition on account of his alleged involvement in terrorism related activities. On 7 February 2011 the Adana public prosecutor initiated extradition proceedings against the applicant before the Adana Assize Court.

On 3 May 2011 the Adana Assize Court ordered the applicant's release pending the proceedings. However, despite the court's order, the applicant was not released and placed at the Adana Foreigners' Removal Centre.

On 16 July 2012 the assize court dismissed the request for the applicant's extradition to Saudi Arabia holding that the applicant was not the person whose extradition had been requested by the Saudi Arabian authorities.

On 9 August 2012 the Adana public prosecutor initiated a second set of extradition proceedings regarding the applicant, whose detention pending his extradition had been ordered on 7 August 2012. These proceedings were initiated as the Saudi Arabian authorities claimed that there had been a search warrant for the applicant in that country.

On 6 September 2012 the Adana Assize Court held the first hearing in the second set of extradition proceedings.

On 19 June 2013, during the fourth hearing before the Adana Assize Court, the applicant, who was detained pending the extradition proceedings, requested his return to his home country. On the same day the first-instance court dismissed the demand for the applicant's extradition holding that the laws in Saudi Arabia provided for death penalty for terrorism related offences.

On an unspecified date the applicant submitted a petition with the domestic authorities informing them that he wished to return to his country voluntarily, together with his wife, who was a Syrian national living in a refugee camp in Turkey. He also maintained in his petition that he had asked the officials at the Saudi Arabia Embassy in Ankara to take the necessary steps for his return.

According to the Government's submissions, on 22 July 2013 the applicant and his wife were transferred to the airport by the domestic authorities and travelled to Saudi Arabia using the identity documents issued by the Saudi Arabia Embassy.

COMPLAINTS

The applicant complained under Article 2 of the Convention that his removal to Saudi Arabia would expose him them to a real risk of death.

The applicant maintained under Article 3 of the Convention that while in detention, he had been threatened by certain officers that he would be sent back to his country.

The applicant complained under Articles 5 and 13 of the Convention that he had been refused permission by the authorities to meet an officer from the United Nations High Commissioner for Refugees (UNHCR).

The applicant alleged under Articles 5, 6 and 7 of the Convention that his detention at the Adana Foreigners' Removal Centre had ben unlawful, as it had not been based on a judicial order.

THE LAW

The applicant's complaints were communicated to the Government, who submitted their observations on the admissibility and merits. By letter dated 13 August 2013 the Government's observations were sent to the applicant's representative, who was requested to submit any observations together with any claims for just satisfaction in reply by 25 September 2013.

By letter dated 27 February 2014, sent by registered post, the applicant's representative was notified that the period allowed for submission of the applicant's observations had expired on 25 September 2013 and that no extension of time had been requested. The applicant's representative's 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 the applicant does not intend to pursue the application. The applicant's representative received this letter on 7 March 2014. However, no response has been received.

The Court considers 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.

Abel Campos
Deputy Registrar

Nebojša Vučinić
President