

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

SECOND SECTION

DECISION

Application no. 33210/05
İrfan ARABACI
against Turkey

The European Court of Human Rights (Second Section), sitting on 9 April 2013 as a Committee composed of:

Peer Lorenzen, *President,*
András Sajó,
Nebojša Vučinić, *judges,*

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

Having regard to the above application lodged on 12 September 2005,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr İrfan Arabacı, is a Turkish national, who was born in 1952 and lives in Izmir. He was represented before the Court by Ms Ü. Emek Bursalı and Ms G. Emek, lawyers practising in Bursa. The Turkish Government (the Government) were represented by their Agent.

The applicant complained under Articles 1, 2, 8 and 17 of the Convention that by failing to impose a deterrent punishment on the person who murdered his daughter and another person, the authorities did not adequately protect the life of his daughter and respect his family life.

On 21 May 2012 the application was communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 24 January 2013, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired on 3 October 2012 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 February 2013. However, no response has been received.

THE LAW

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.

Françoise Elens-Passos	Peer Lorenzen
Acting Deputy Registrar	President