

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

SECOND SECTION

DECISION

Application no. 7155/08
Fatma AYKUT
against Turkey

The European Court of Human Rights (Second Section), sitting on 3 April 2012 as a Committee composed of:
Dragoljub Popović, *President,*
András Sajó,
Paulo Pinto de Albuquerque, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*
Having regard to the above application lodged on 30 January 2008,
Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Fatma Aykut, is a Turkish national who was born in 1970 and lives in Adana. She is represented before the Court by Mr V. Özkan, lawyer practising in Adana. The Turkish Government ("the Government") were represented by their Agent.

The applicant complained under Article 6 § 1 of the Convention that she had been denied an adversarial trial on account of the lack of an oral hearing in the compensation proceedings lodged pursuant to Law no. 466. Under the same head, she further complained that the length of those proceedings had been excessive.

On 18 January 2011 the applicant's complaints under Article 6 § 1 of the Convention were communicated to the Government, who submitted a proposal for a friendly settlement of the application. The Government agreed that the legal issues raised in the application were subjected to the

well-established case-law of the Court and decided not to submit any observations on the admissibility and merits of the case.

The Government's proposal for a friendly settlement of the application was forwarded to the applicant, who was invited to submit her comments. No reply was received to the Registry's letter. Subsequently, the applicant was invited to submit any claims for just satisfaction in accordance with Article 41 of the Convention.

By letter dated 7 September 2011, sent by registered post, the applicant's representative was notified that the period allowed for submission of her observations and claims for just satisfaction had expired on 3 August 2011 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.

However, no response has been received to this letter, either.

Besides, the applicant's representative has not informed the Court of any change of his address pursuant to Rule 47 § 6 of the Rules of Court.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her 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
Deputy Registrar

Dragoljub Popović
President