CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

## SECOND SECTION

## DECISION

Application no. 29674/02
by Ercan BARİKAN and Erkan BARİKAN
against Turkey

The European Court of Human Rights (Second Section), sitting on 12 February 2008 as a Chamber composed of:

Françoise Tulkens, *President*,
Antonella Mularoni,
Rıza Türmen,
Vladimiro Zagrebelsky,
Danutė Jočienė,
Dragoljub Popović,
András Sajó, *judges*,
and Sally Dollé, *Section Registrar*,

Having regard to the above application lodged on 20 June 2001,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together.

Having deliberated, decides as follows:

## THE FACTS

The applicants, Mr Ercan Barikan and Mr Erkan Barikan, are Turkish nationals who were born in 1966 and 1975, respectively, and live in Istanbul. They are represented before the Court by Ms O. Ersoy, a lawyer practising in Istanbul. The Turkish Government ("the Government") are represented by their Agent.

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

On 7 November 1998 the applicants took part in a demonstration which was dispersed by the security forces on grounds of public order.

On 9 November 1998 the applicants were arrested and taken into police custody. They were released on 10 November 1998.

On 21 December 2000 the criminal proceedings instigated against the applicants were suspended for a period of five years pursuant to Law no. 4616 concerning conditional amnesties.

## COMPLAINTS

The applicants complained under Article 6 of the Convention about the fairness and the length of the criminal proceedings brought against them. They further complained under Article 10 of the Convention that the criminal proceedings instigated against them constituted an unjustified interference with their right to both freedom of expression and freedom of assembly.

## THE LAW

By letter dated 15 March 2007, the Government's observations were sent to the applicants' representative, who was requested to submit their observations together with any claims for just satisfaction in reply by 26 April 2007.

By letter dated 10 July 2007, sent by registered post, the applicants' representative was notified that the period allowed for submission of the applicants' observations had expired on 26 April 2007 and that no extension of time had been requested. The 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 applicants' representative received this letter in July 2007. However, no response has been received.

The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their 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 discontinue the application of Article 29 § 3 and 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.

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| Sally Dollé<br>Registrar | Françoise Tulkens<br>President |