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

SECOND SECTION

DECISION

Application no. 36596/09
Hikmet GÜNAY
against Turkey

The European Court of Human Rights (Second Section), sitting on 21 November 2017 as a Committee composed of:

Nebojša Vučinić, *President,*
Valeriu Griţco,
Jon Fridrik Kjølbro, *judges,*

and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 19 June 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Hikmet Günay, is a Turkish national, who was born in 1982 and lives in Aydın.

2. The applicant's complaints concerning the disciplinary penalty imposed on him were communicated to the Turkish Government ("the Government"), who were represented by their Agent.

3. By a letter dated 25 July 2017 the applicant was asked to inform the Court whether he accepts the friendly settlement proposal. On 28 September 2017, this letter returned to the Court as the applicant was not found at the address that had been provided by him.

THE LAW

4. Rule 47 § 7 of the Rules of Court reads:

> "Applicants shall keep the Court informed of any change of address and of all circumstances relevant to the application."

5. Article 37 § 1 of the Convention, in so far as relevant, provides:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application; ...
>
> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

6. The Court reiterates that an applicant's failure to submit written observations on the admissibility and merits of the case or other information or documents requested by the Court may warrant the conclusion that he or she does not intend to pursue the application (see, *inter alia, Perek v. Poland* (dec.), no. 37021/05, 9 September 2008, and *Ay v. Germany* (dec.), no. 12851/12, 23 September 2014).

7. In view of the foregoing, the Court considers that the applicant must 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.

8. Therefore, 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.

Done in English and notified in writing on 14 December 2017.

Hasan Bakırcı
Deputy Registrar

Nebojša Vučinić
President