

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

SECOND SECTION

DECISION

Application no. 57059/18
H.S.
against Turkey

The European Court of Human Rights (Second Section), sitting on 9 December 2021 as a Committee composed of:

Branko Lubarda, *President,*
Pauliine Koskelo,
Marko Bošnjak, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 6 December 2018,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, H.S., is an Iraqi national who was born in 1991. The Court decided that the applicant's identity should not be disclosed to the public (Rule 47 § 4 of the Rules of Court). He was represented before the Court by Mr K. Aygün a lawyer practising in Kırklareli.

The applicant complained under Articles 2 and 3 of the Convention that he would face a real risk of death and/or ill-treatment if deported to Iraq and that that risk had not been sufficiently examined by the relevant Turkish authorities and courts. He further complained under Article 13 of the Convention about the absence of any effective domestic remedies to review the lawfulness of his administrative detention.

Upon a request by the applicant, on 14 December 2018 the Court decided to apply an interim measure under Rule 39 of the Rules of Court, indicating to the Turkish Government ("the Government") that the applicant should not be removed from Turkey until further notice. The applicant's case was also granted priority (Rule 41) on the same date.

On 28 March 2019 the Court decided to give notice to the Government of the applicant's complaints detailed above.

On 1 August 2019 the Government submitted their observations on the admissibility and merits of the case. On 16 September 2019 the applicant submitted his observations on the admissibility and merits in response.

By two letters dated 20 and 27 September 2021, the applicant's representative informed the Registry that he had not been able to establish contact with the applicant for a while now and that he had no information as to whether the applicant was still in Turkey. He indicated, accordingly, that he no longer followed the applicant's case before the Court.

THE LAW

In the light of the foregoing, the Court concludes that the applicant may be regarded as no longer wishing to pursue the application (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 the Protocols thereto which require the continued examination of the application.

Accordingly, it is appropriate to strike the case out of the list and to discontinue the application of Rule 39 of the Rules of Court.

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 13 January 2022.

Viktoriya Maradudina Acting Deputy Registrar	Branko Lubarda President