

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

THIRD SECTION

DECISION

Application no. 37833/10
H.
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 19 June 2012 as a Committee composed of:
Luis López Guerra, *President,*
Egbert Myjer,
Kristina Pardalos, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*
Having regard to the above application lodged on 14 June 2010,
Having regard to the partial decision of 18 October 2011,
Having regard to the information submitted by the parties,
Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr H., is a Turkish national, who was born in 1977 and lived in the Netherlands at the time of the introduction of the application. The President decided not to disclose the applicant's name (Rule 47 § 3) and that the documents deposited with the Registry which could lead to the applicant's identification should not be made accessible to the public (Rule 33 § 1). The applicant is represented before the Court by Mr Z.M. Alaca, a lawyer practising in Eindhoven.

2. The Dutch Government ("the Government") were represented by their Agent, Mr R.A.A. Böcker, of the Ministry of Foreign Affairs.

3. The applicant initially complained that the exclusion order (*ongewenstverklaring*) imposed on him by the Netherlands authorities

entailed a violation of his rights under Article 3 and Article 8 of the Convention.

4. On 18 October 2011, the Court declared inadmissible the applicant's complaint under Article 3 and communicated the complaint under Article 8 to the Government inviting them to submit observations on the admissibility and merits.

5. On 26 January 2012, before the expiry of the time allowed to submit observations, the Government informed the Court that it had come to their attention that the applicant had returned to Turkey of his own motion and, for this reason, requested the Court to strike the case out. The applicant's lawyer was requested to comment and, if the applicant had indeed returned to Turkey, to provide the Court with his new contact details.

6. On 22 February 2012, the applicant's representative informed the Court *inter alia* that the applicant had been arrested upon arrival in Turkey and that he was being held in Istanbul. The representative further stated that he wished to maintain the application and to extend its scope by including fresh complaints directed against Turkey. As to the latter wish, the representative was advised to file a fresh application against Turkey. He was further reminded of the still outstanding request to inform the Court of the applicant's new contact details and – on the basis of the contents of his letter of 22 February 2012 – requested to submit additional factual information.

7. As no reply was received when the time-limit fixed for this purpose expired, a reminder was sent by registered post to the applicant's representative, requesting him to reply by 10 April 2012. The applicant's representative's attention was drawn to the possibility 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 5 April 2012. 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. Accordingly, 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.

Marialena Tsirli Deputy Registrar	Luis López Guerra President