CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

THIRD SECTION

DECISION

Application no. 73361/01
by Süleyman MÜLDÜR
against Turkey

The European Court of Human Rights (Third Section), sitting on 23 September 2004 as a Chamber composed of:

Mr G. RESS, *President*,
Mr I. CABRAL BARRETO,
Mr R. TÜRMEN,
Mr J. HEDIGAN,
Mrs M. TSATSA-NIKOLOVSKA,
Mrs H.S. GREVE,
Mr K. TRAJA, *judges*,
and Mr V. BERGER, *Section Registrar*,

Having regard to the above application lodged on 30 January 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 applicant, Mr Süleyman Müldür, is a Turkish national who was born in 1961 and lives in Elazığ. He was represented before the Court by Mr C. Zülfikar, Mr M. Gündoğdu and Mr K. Çetin, lawyers practising in Elazığ.

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

Until October 1994 the applicant lived in the Elgazi village in the district of Ovacık, in Tunceli, where he owned houses, livestock and land.

In October 1994 the Elgazi village was forcibly evacuated and destroyed by security forces. The applicant and his family then moved to Elazığ where they currently live.

On 15 February 1996 the mayor of Elgazi lodged a petition with the Tunceli Office for Construction and Settlement, demanding the annulment of a reimbursement order concerning aid previously granted as compensation following the earthquake of March 1992, on the ground that they had lost all their property during the destruction of their village.

In 22 May 1998 the mayor, villagers and some associations issued a press release, denouncing the burning of their villages.

In November 2000 the applicant filed a complaint with the Governor's and Public Prosecutor's offices in Ovacık.

On 18 December 2000 he received the following letter from the Ovacık District Governor, Fikret Çavuş:

> "It was established that your village had been burned down by terrorists. Therefore, there is no basis to start an investigation against state officers.
>
> Furthermore, I would like to add that the petition which you have filed with us will be considered under the 'Return to the Village and Rehabilitation Project'."

On 8 April 2004 the applicant's representative informed the Court that the applicant had two applications before the Court concerning the same events and complaints (Application nos. 36211/97 and 73361/01) and that he did not wish to pursue his application registered under no. 73361/01.

COMPLAINTS

The applicant alleges a violation of Articles 3, 5, 6, 8, 13, 14 and 18 of the Convention and Article 1 of Protocol No. 1.

THE LAW

The Court observes that the applicant lodged two applications concerning the same events and complaints and that he does not wish to pursue his application registered under no. 73361/01.

In these circumstances, the Court concludes that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention. Furthermore, the Court finds no public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, the application to the case of Article 29 § 3 of the Convention should be discontinued and the case should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Vincent BERGER
Registrar

Georg RESS
President