

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

SECOND SECTION

DECISION

Application no. 36736/09
by Mohammad Emir NEJAT
against Turkey

The European Court of Human Rights (Second Section), sitting on 22 February 2011 as a Committee composed of:
David Thór Björgvinsson, *President,*
Giorgio Malinverni,
Guido Raimondi, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*
Having regard to the above application lodged on 24 June 2009,
Having regard to the comments submitted by the Turkish Government,
Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Mohammad Emir Nejat, is an Iranian national who was born in 1971 and lives in Van. He is represented before the Court by Mr C. Demir, a lawyer practising in Van. 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 8 August 2008 the applicant was arrested by the Turkish authorities, following which he requested asylum. The authorities placed the applicant in Van Police Headquarters, in a section reserved for aliens.

On 19 October 2009 the Ministry of Interior informed Van Governorship that the applicant was granted temporary residence permit in Van for a period of one year.

On 20 October 2009 the applicant was released and asked not to leave the perimeters of Van without prior permission.

The applicant complained under Article 5 § 1 of the Convention that his deprivation of liberty did not have legal basis.

THE LAW

By letter dated 4 August 2010 the Government's observations were sent to the applicant's representative, who was requested to submit any observations together with any claims for just satisfaction in reply by 15 September 2010.

By letter dated 8 November 2010, sent by registered post, the applicant's representative was notified that the period allowed for submission of the applicant's observations had expired on 15 September 2010 and that no extension of time had been requested. The applicant's 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 applicant's representative received this letter on 24 November 2010. However, no response has been received.

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.

In view of the above, 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.

Françoise Elens-Passos
Deputy Registrar

David Thór Björgvinsson
President