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

SECOND SECTION

DECISION

Application no. 49569/11
Gonca ÖZKEN
against Turkey

The European Court of Human Rights (Second Section), sitting on 8 November 2016 as a Committee composed of:

Paul Lemmens, *President,*
Ksenija Turković,
Jon Fridrik Kjølbro, *judges,*

and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 27 May 2011,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Gonca Özken, is a Turkish national, who was born in 1985 and was detained in Adana prison at the time of her application to the Court. She was represented before the Court by Mr H. Kendirci, a lawyer practising in Mersin.

The Turkish Government ("the Government") were represented by their Agent.

The applicant complained under Article 10 of the Convention that the criminal proceedings brought against her had constituted a breach of her right to freedom of expression.

The applicant's aforementioned complaint was communicated to the Government, who submitted their observations on the admissibility and merits. On 3 June 2015 the observations were forwarded to the applicant's representative, who was invited to submit the applicant's observations. No reply was received to the Registry's letter.

By letter dated 17 December 2015, sent by registered post, the applicant's representative was notified that the period allowed for

submission of her observations had expired on 15 July 2015 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 26 December 2015. However, no response was received.

By letters dated 15 February and 11 August 2016, sent to the applicant's home address and to Adana prison, the applicant was informed that her representative had failed to respond to the Registry's letter and was requested to inform the Court whether she intended to pursue the application. These letters were returned to the Court as the applicant had moved from the addresses of which she had notified the Court, without informing the Court of the change of address.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her 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.

Done in English and notified in writing on 1 December 2016.

Hasan Bakırcı
Deputy Registrar

Paul Lemmens
President