

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

SECOND SECTION

DECISION

Application no. 15765/07
Murat YANIK
against Turkey

The European Court of Human Rights (Second Section), sitting on 13 December 2011 as a Committee composed of:
Dragoljub Popović, *President,*
András Sajó,
Paulo Pinto de Albuquerque, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*
Having regard to the above application lodged on 12 April 2007,
Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Murat Yanık, is a Turkish national who was born in 1961 and lives in Istanbul.

He is represented before the Court by Mr N. K. Şengün, a lawyer practising in Istanbul. The Turkish Government ("the Government") were represented by their Agent.

The application concerns criminal proceedings brought against the applicant where he was found guilty of qualified fraud through banking activities, which allegedly did not constitute a criminal offence under national law at the time they were committed. The applicant maintained that his conviction for being involved in offshore banking activities constituted a retrospective punishment in breach of Article 7 of the Convention. He also complained under Article 6 § 1 and 3 (d) of the Convention about the

fairness of the criminal proceedings against him and argued that he could not cross-examine the witnesses during the proceedings.

The applicant's complaint under Article 7 of the Convention was communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 15 March 2011, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired on 18 November 2010 and that no extension of time had been requested. His 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 did not respond to that letter. Nor did the Registry receive the letter back. As it was not clear whether the letter reached its destination, another letter was sent on 9 September 2011 together with the previous letters, this time to the applicant himself. However, no response has been received and the Registry's letter was returned as the applicant had moved from the address he had notified the court of.

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.

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

Dragoljub Popović
President