

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

SECOND SECTION

DECISION

Application no. 37361/09
Bengi YILDIZ
against Turkey

The European Court of Human Rights (Second Section), sitting on 22 January 2013 as a Chamber composed of:

Guido Raimondi, *President,*
Danutė Jočienė,
Peer Lorenzen,
Dragoljub Popović,
Işıl Karakaş,
Nebojša Vučinić,
Paulo Pinto de Albuquerque, *judges,*

and Stanley Naismith, *Section Registrar,*

Having regard to the above application lodged on 24 June 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Bengi Yıldız, is a Turkish national and a Member of Parliament, who was born in 1965 and lives in Ankara. He was represented before the Court by Mr Oktay Bağatır, a lawyer practising in Batman.

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

The applicant complained under Article 3 of the Convention that he had been subjected to ill-treatment by a number of police officers in the course of a demonstration that took place on 17 February 2008 in the city of Batman.

The applicant's complaints were 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 8 October 2012, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired on 1 August 2012 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. This letter was returned to the Court by the postal authorities because the applicant's representative had moved from his address. The Registry's attempts to find the legal representative did not yield any results.

THE LAW

The Court recalls that, pursuant to Rule 47 § 6 of the Rules of Court, "the applicants shall keep the Court informed of any change of address...". It is also to be noted that, when the application was registered the applicant and his representative were reminded by the Registry of their duty to inform the Court about any change of address.

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.

Stanley Naismith
Registrar

Guido Raimondi
President