



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

SECOND SECTION

DECISION

Application no. 6428/12

H.Ç.

against Turkey

The European Court of Human Rights (Second Section), sitting on 3 June 2014 as a Committee composed of:

Nebojša Vučinić, President,

Paul Lemmens,

Egidijus Kūris, judges,

and Abel Campos, *Deputy Section Registrar*,

Having regard to the above application lodged on 30 January 2012,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr H. Ç., is a citizen of the “Turkish Republic of Northern Cyprus” (the “TRNC”), who was born in 1979 and lives in Nicosia. The President of the Second Section granted the applicant’s request for his identity not to be disclosed to the public (Rule 47 § 3 of the Rules of Court). He is represented before the Court by Mr J. Cooper and Mr Ö. Polili, lawyers practicing in London and in Nicosia.

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

The circumstances of the case

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

The applicant is a homosexual and his complaints were directed primarily against the existence of laws in the TRNC which have the effect of criminalising certain homosexual acts between consenting adult males. He stated that although he himself had not been arrested, there have recently been arrests of homosexual and/or bisexual men in the TRNC for engaging

in consensual same-sex sexual relations, and alleged that he had suffered great strain, apprehension and fear of prosecution on account of the legal provisions in question.

The Government stated that the relevant provisions of the Criminal Code in TRNC, criminalising homosexuality have been amended and that the new legislation has been published in the Official Gazette dated 7 February 2014.

COMPLAINTS

The applicant maintained that the criminalisation of homosexual relations constituted an interference with human dignity amounting to degrading treatment within the meaning of Article 3 of the Convention.

The applicant complained that the maintenance in force of those provisions of the Criminal Code which criminalise homosexual relations constituted an unjustified interference with his rights as protected by Article 8 of the Convention. The applicant also claimed to be a victim of discrimination, in breach of Article 14 taken in conjunction with Article 8.

THE LAW

On 1 April 2014 the applicant's representative informed the Court that the applicant wanted to withdraw the application as the relevant provisions of the Criminal Code in TRNC, criminalising homosexuality have been amended.

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.

Abel Campos
Deputy Registrar

Nebojša Vučinić
President