



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

SECOND SECTION

DECISION

Application no. 26854/08
Engin BABAYİĞİT and Others
against Turkey

The European Court of Human Rights (Second Section), sitting on 13 December 2011 as a Committee composed of:

Isabelle Berro-Lefèvre, *President*,

Guido Raimondi,

Helen Keller, *judges*,

and Françoise Elens-Passos, *Deputy Section Registrar*,

Having regard to the above application lodged on 3 April 2008,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

PROCEDURE

The applicants, whose names and dates of birth appear in the appendix hereto, are Turkish nationals. They were represented before the Court by Mr M. Erbil, a lawyer practising in Istanbul. The Turkish Government (“the Government”) were represented by their Agent.

On 18 January 2010 the Court decided to communicate the application to the Government with regard to the length of criminal proceedings and the absence of a domestic remedy under Articles 6 § 1 and 13 of the Convention in respect of all applicants, as well as, to the length of pre-trial detention and the alleged lack of an effective remedy to challenge the lawfulness of their continued detention under Article 5 §§ 3 and 4 of the Convention for only

the applicants Mr Engin Babayiğit, Mr Veysi Kabişen and Mr Önder Bitirgiç.

According to the submissions in the case file, the criminal proceedings against Mr Engin Babayiğit and Mr Önder Bitirgiç are currently pending before the Court of Cassation.

On 8 March 2010 and 29 December 2010 the Court received friendly settlement declarations signed by the parties under which the applicants agreed to waive any further claims against Turkey in respect of the facts giving rise to this application against an undertaking by the Government to pay EUR 6,400 (six thousand four hundred euros) each to Mr Engin Babayiğit, Mr Veysi Kabişen and Mr Önder Bitirgiç and to pay EUR 3,000 (three thousand euros) each to Mr Cemil Akın and Mr Mehmet Nuri Kıran to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Turkish liras at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention).

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

Isabelle Berro-Lefèvre
President

LastName	Firstname	Birth date
BABAYİĞİT	Engin	01/01/1983
KABIŞEN	Veysi	01/02/1982
BİTİRGİÇ	Önder	31/05/1984
AKIN	Cemil	14/08/1982
KIRAN	Mehmet Nuri	01/01/1981

ANNEX