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

SECOND SECTION

DECISION

Application no. 413/13
Kahraman AKACAK
against Turkey

The European Court of Human Rights (Second Section), sitting on 24 January 2017 as a Committee composed of:

Ksenija Turković, *President,*
Jon Fridrik Kjølbro,
Georges Ravarani, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 22 September 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Kahraman Akacak, is a Turkish national, who was born in 1993 and is detained in Tekirdağ. He was represented before the Court by Mr H. Boğatekin, a lawyer practising in Istanbul.

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

3. The applicant's complaints under Article 5 §§ 4 and 5 of the Convention concerning the non-communication of the public prosecutor's opinion and the lack of, or inadequate, compensation for unlawful detention were communicated to the Government.

4. On 23 November 2016 and 9 November 2016 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Turkey in respect of the facts giving rise to this applications against an undertaking by the Government to pay him 200 euros (EUR) to cover any pecuniary and

non-pecuniary damage as well as EUR 200 in respect of costs and expenses, which will be converted into Turkish liras at the rate applicable on the date of payment, and be payable within three months from the date of notification of the decision taken by the Court. 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 the 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

5. 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. 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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 16 February 2017.

Hasan Bakırcı
Deputy Registrar

Ksenija Turković
President