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

SECOND SECTION

DECISION

Application no. 39854/11
Yavuz AKIN and Others
against Turkey
(see appended table)

The European Court of Human Rights (Second Section), sitting on 23 September 2021 as a Committee composed of:

Branko Lubarda, *President,*
Pauliine Koskelo,
Marko Bošnjak, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 19 January 2011,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Mr M.M. Erken, a lawyer practising in Batman.

The present application mainly concerns the property damage sustained by the applicants following a large underground explosion that took place in Batman on 3 May 2004. The applicants' complaints under Article 6 § 1 of the Convention, concerning their inability to access civil courts to claim damages on account of the allegedly erroneous application of the time-limit rules, and under Article 1 of Protocol No. 1 to the Convention, regarding the alleged violation of their property rights as a result of the explosion, were communicated to the Turkish Government ("the Government").

The Court received the friendly-settlement declaration, 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, subject to an undertaking by the Government to pay them the amount detailed in the

appended table. This amount will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertake 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

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 the Protocols thereto 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 14 October 2021.

{signature_p_2}

Viktoriya Maradudina Acting Deputy Registrar	Branko Lubarda President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of Applicant's declaration	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses jointly to all applicants (in euros)[1]
39854/11 19/01/2011 (9 applicants)	**Yavuz AKIN** 1971 **Enver AKIN** 1984 **Cesur AKIN** 1974 **Mehmet AKIN** 1981 **Vasfiye AKIN** 1945 **Leyla AKIN** 1982 **Kadriye AKIN** 1988 **Nilüfer AKIN** 1988 **Mefaret IŞIK** 1978	Erken Mehmet Masum Batman	14/07/2021	05/05/2021	3,000

[1] Plus any tax that may be chargeable to the applicants.