

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

SECOND SECTION

DECISION

Applications nos. 31866/09 and 31878/09
by Hüseyin ALTINTAŞ and Mehmet Abdurrahman KUTLU
against Turkey

The European Court of Human Rights (Second Section), sitting on 15 February 2011 as a Committee composed of:

Danutė Jočienė, *President,*
Giorgio Malinverni,
Guido Raimondi, *judges,*

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

Having regard to the above applications lodged on 26 May 2009,

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

Having deliberated, decides as follows:

PROCEDURE

The applications were lodged by Mr Hüseyin Altıntaş and Mr Mehmet Abdurrahman Kutlu, Turkish nationals, who were born in 1965 and 1951 respectively and live in Diyarbakır. The applicants were represented before the Court by Mr Z. Demir and Mr S. Buluttekin, lawyers practising in Diyarbakır. The Turkish Government ("the Government") were represented by their Agent.

On 24 August 2010 the Court decided to communicate the applicants' complaints under Articles 6 § 1 and 13 of the Convention concerning the length of civil proceedings, which started on 6 September 2002 and ended on 13 October 2008, and the alleged lack of an effective domestic remedy for undue length of proceedings.

On 21 October 2010 and 7 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 these applications against an undertaking by the Government to pay 3,500 euros each to the applicants 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 cases.

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 public policy reasons to justify a continued examination of the applications (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court unanimously

Decides to strike the applications out of its list of cases.

Françoise Elens-Passos
Deputy Registrar

Danutė Jočienė
President