

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

SECOND SECTION

DECISION

Application no. 48571/10
Özkan ASLAN
against Turkey

The European Court of Human Rights (Second Section), sitting on 18 September 2012 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 19 July 2010,
Having regard to the formal declarations accepting a friendly settlement of the case,
Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Özkan Aslan, is a Turkish national, who was born in 1980 and lives in Istanbul He was represented before the Court by Ms G. Günay, a lawyer practising in Istanbul.

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

The application mainly concerns the excessive length of the criminal proceedings against the applicant. Besides the complaint under Article 6 of the Convention as regards the length of the proceedings, the applicant initially complained under Article 3 about the alleged ill-treatment inflicted on him during his time at police custody. Relying upon Articles 5 and 6 of

the Convention, he also argued that his police custody and pre-trial detention had lasted too long.

On 31 August 2011 the President of the Second Section decided to give notice of the application to the Government only in so far as it concerned the length of the proceedings. The proceedings in question began on 28 April 2000 with the applicant's arrest and were pending before the Court of Cassation at the time of communication. It appears that the proceedings ended on 29 December 2011.

On 25 May 2012 and 21 June 2012 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 application against an undertaking by the Government to pay him EUR 7,500 (seven thousand five hundred euros) to cover any and all pecuniary and non-pecuniary damage, plus any tax that may be chargeable to the applicant. This sum would be converted into Turkish liras at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list. 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.

In view of the above, it is appropriate to strike the case out of the list pursuant to Article 39 of the Convention.

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