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

SECOND SECTION

DECISION

Application no. 66505/09
Muradiye ATAY
against Turkey

The European Court of Human Rights (Second Section), sitting on 12 January 2016 as a Committee composed of:

Nebojša Vučinić, *President,*
Valeriu Griţco,
Stéphanie Mourou-Vikström, *judges,*
and Abel Campos, *Deputy Section Registrar.*

Having regard to the above application lodged on 9 December 2009,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Ms Muradiye Atay, is a Turkish national, who was born in 1964 and lives in Ankara. She was represented before the Court by Ms E. Olkun, a lawyer practising in Kocaeli.

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

3. The applicant complained under Article 6 of the Convention that her right of access to court had been violated in that she had been unable to enforce the judgment in her favour owing to the refusal of the domestic court to provide her a copy of the judgement without paying court fees. Relying on Article 1 of Protocol No. 1 to the Convention, the applicant further alleged that the non-enforcement of the judgment had violated her right to the peaceful enjoyment of possessions.

4. On 7 September 2015 and 16 October 2015 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 her 1,500 euros (EUR) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant, which will be converted into the currency of the respondent State at the rate applicable on the date of payment. It will 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 4 February 2016.

Abel Campos
Deputy Registrar

Nebojša Vučinić
President