

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

SECOND SECTION

DECISION

Application no. 3704/09
Çetin BALCİ and Others
against Turkey

The European Court of Human Rights (Second Section), sitting on 22 May 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 25 December 2008,

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

Having deliberated, decides as follows:

PROCEDURE

The applicants, Çetin BALCİ, Kasım KİDİK and Serhan ESKİN who are Turkish national were born in 1982, 1981 and 1988 respectively. They are currently detained pending trial in Tekirdağ F-type prison. All applicants are represented by H.Çalışçı, a lawyer practising in Istanbul. The Turkish Government ("the Government") were represented by their Agent.

On 13 December 2011 the Court decided to communicate the application to the respondent Government under Article 5 §§ 3, 4 and 5 and Articles 6 § 1 and 13 of the Convention as regards the length of the applicants' pre-trial detention and of criminal proceedings, the alleged absence of domestic effective remedies in those respects and the right to an enforceable right to compensation for the alleged breach of Article 5. Since

22 and 28 August 2007 the applicants have been detained pending criminal proceedings before the Istanbul Assize Court.

On 27 January 2012 and 14 March 2012 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 this application against an undertaking by the Government to pay them EUR 6,000 (six thousand euros) each 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 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 (Article 37 § 1 *in fine* of the Convention).

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.

Françoise Elens-Passos	Isabelle Berro-Lefèvre
Deputy Registrar	President