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

SECOND SECTION

DECISION

Application no. 43609/11
Korkut FİDAN
against Turkey

The European Court of Human Rights (Second Section), sitting on 19 September 2017 as a Committee composed of:

Nebojša Vučinić, *President,*
Valeriu Griţco,
Jon Fridrik Kjølbro, *judges,*

and Hasan Bakırcı, Deputy Section Registrar,

Having regard to the above application lodged on 6 July 2011,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Korkut Fidan, is a Turkish national, who was born in 1982 and lives in Istanbul.

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

The applicant complained under Article 5 § 1 (a) of the Convention about the disciplinary room confinement sanction which had been imposed on him by their military superiors.

On 2 June 2017 and 6 July 2017 respectively 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 7,500 (seven thousand five hundred) euros to cover any and all pecuniary and non-pecuniary damage as well as all costs and expenses, which will 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. 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

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 12 October 2017.

Hasan Bakırcı
Deputy Registrar

Nebojša Vučinić
President