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

SECOND SECTION

DECISION

Application no. 64794/12
Ravşan GÜNAY
against Turkey

The European Court of Human Rights (Second Section), sitting on 8 November 2016 as a Committee composed of:

Ksenija Turković, *President,*
Jon Fridrik Kjølbro,
Georges Ravarani, *judges,*

and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 22 September 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Ravşan Günay, is a Turkish national, who was born in 1994 and lives in Istanbul. He was represented before the Court by Ms A. Acinikli, a lawyer practising in Istanbul.

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

The applicant complains under Article 5 § 4 the Convention that he did not have an effective remedy to challenge the lawfulness of his detention. The applicant also complains under Article 5 § 5 about lack of compensation under domestic law.

On 9 June 2016 and 8 August 2016 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 200 Euros (EUR) to cover any pecuniary and non-pecuniary

damage as well as EUR 200 in respect of costs and expenses, which will be converted into Turkish liras at the rate applicable on the date of payment, and 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 1 December 2016.

Hasan Bakırcı
Deputy Registrar

Ksenija Turković
President