

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

SECOND SECTION

DECISION

Application no. 27597/07
by Filiz HAVUÇ
against Turkey

The European Court of Human Rights (Second Section), sitting on 11 January 2011 as a Committee composed of:

Danutė Jočienė, *President,*
Nona Tsotsoria,
Guido Raimondi, *judges,*

and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 21 June 2007,

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

Having deliberated, decides as follows:

PROCEDURE

The application was lodged by Ms Filiz Havuç, a Turkish national, who was born in 1972 and lives in Istanbul. She was represented before the Court by Mr M. Erbil, a lawyer practising in İstanbul. The Turkish Government ("the Government") were represented by their Agent.

On 11 May 2010 the Court decided to communicate the applicant's complaints under Articles 6 § 1 and 13 of the Convention concerning the length of the criminal proceedings against the applicant, which started on 22 January 2001 and ended on 20 November 2007, and the lack of an effective remedy in domestic system for her complaint.

On 10 June 2010 and 23 November 2010 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 the applicant 5,000 (five thousand) euros 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 public policy 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
Deputy Registrar

Danutė Jočienė
President