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

SECOND SECTION

DECISION

Application no. 77666/12
Hamit KİYE and Others
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 19 September 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

A list of the applicants is set out in the appendix.

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

The applicants' complaints under Article 5 §§ 4 and 5 of the Convention concerning the non-communication of the public prosecutor's opinion and the lack of, or inadequate, compensation for unlawful detention were communicated to the Government.

On 9 June 2016 and 8 September 2016 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 each of three applicants 200 euros (EUR) to cover any pecuniary and non-pecuniary damage as well as EUR 200 to the three applicants jointly in respect of costs and expenses, which will be converted into currency of

Turkish liras at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. The above sums 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 1 December 2016.

Hasan Bakırcı
Deputy Registrar

Ksenija Turković
President

APPENDIX

1. Hamit KİYE who was born in 1990
2. Harun KARATAŞ who was born in 1986
3. Mehmet Ali YALÇIN who was born in 1977