

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

SECOND SECTION

DECISION

Application no. 21269/07
by Sevim KIZANLIK and Others
against Turkey

The European Court of Human Rights (Second Section), sitting on 24 May 2011 as a Committee composed of:

David Thór Björgvinsson, *President,*
Giorgio Malinverni,
Guido Raimondi, *judges,*

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

Having regard to the above application lodged on 1 May 2007,

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

Having deliberated, decides as follows:

PROCEDURE

The applicants, Ms Sevim Kızanlık, Mr Ercan Kızanlık, Mr Hasan Kızanlık and Ms Makbule Güleç, are Turkish nationals who were born in 1947, 1969, 1971 and 1975 respectively and live in Bursa. They were represented before the Court by Mr T. Öztürk, a lawyer practising in Bursa. The Turkish Government ("the Government") were represented by their Agent.

On 27 August 2009 the Court decided to communicate the applicants' complaint concerning the length of civil proceedings, which have already lasted some eight years before two levels of jurisdiction.

On 19 January 2010 and 31 January 2011 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 applicant EUR 4,500 (four thousand and five hundred euros), separately, to cover any non-pecuniary damage as well as 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 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 undertake 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
Deputy Registrar

David Thór Björgvinsson
President