

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

SECOND SECTION

DECISION

Application no. 13783/11
Naim KÜÇÜKKAYA
against Turkey

The European Court of Human Rights (Second Section), sitting on 13 November 2012 as a Committee composed of:

Peer Lorenzen, *President,*
András Sajó,
Nebojša Vučinić, *judges*
and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 4 November 2010,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Naim Küçükkaya, is a Turkish national who was born in 1988. He was represented before the Court by Mr H. Çalışçı, a lawyer practising in Istanbul.

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

The applicant complained under Article 5 §§ 3, 4 and 5 of the Convention about the length of his detention on remand, the effectiveness of the proceedings by which the lawfulness of his pre-trial detention had been reviewed and his right to compensation for unlawful detention.

On 12 April 2012 and 28 August 2012 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 EUR 3,900 (three thousand and nine hundred euros) to cover any pecuniary and 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. 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.

Françoise Elens-Passos	Peer Lorenzen
Deputy Registrar	President