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

SECOND SECTION

DECISION

Application no. 69473/12
Hüseyin MASIRCI
against Turkey

The European Court of Human Rights (Second Section), sitting on 19 May 2015 as a Committee composed of:

Nebojša Vučinić, *President,*
Paul Lemmens,
Egidijus Kūris, *judges,*

and Abel Campos, *Deputy Section Registrar,*

Having regard to the above application lodged on 26 July 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 Hüseyin Masırcı, is a Turkish national, who was born in 1981 and lives in Denizli. He was represented before the Court by Mr S. Çalkan, a lawyer practising in Ankara. The Turkish Government ("the Government") were represented by their Agent.

The applicant complained under Article 5 § 1 (a) of the Convention about the disciplinary room confinement sanction which had been imposed on him by his military superiors.

On 2 July 2013 and 12 March 2014 respectively 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 5,500 euros (EUR) (five thousand five hundred euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into the national currency of the respondent State 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.

Done in English and notified in writing on 11 June 2015.

Abel Campos
Deputy Registrar

Nebojša Vučinić
President