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

SECOND SECTION

DECISION

Application no. 63447/12
Cemal NAYIR
against Turkey

The European Court of Human Rights (Second Section), sitting on 9 February 2016 as a Committee composed of:

Nebojša Vučinić, *President,*
Valeriu Griţco,
Stéphanie Mourou-Vikström, *judges,*
and Abel Campos, *Deputy Section Registrar,*

Having regard to the above application lodged on 3 August 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Cemal Nayır, is a Turkish national, who was born in 1951 and lives in Istanbul. He was represented before the Court by Ms F. Karakaş Doğan and Mr A. Doğan, lawyers practising in Istanbul.

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

3. The applicant complained under Articles 5 §§ 3 and 5 of the Convention about the length of his pre-trial detention and right to compensation under domestic law in respect of this complaint.

4. On 3 September 2015 and 19 August 2013 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 5,000 euros (five thousand euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted

into the 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

5. 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 3 March 2016.

Abel Campos
Deputy Registrar

Nebojša Vučinić
President