

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

SECOND SECTION

DECISION

Application no. 45868/09
Mehmet ÖZKAN
against Turkey

The European Court of Human Rights (Second Section), sitting on 22 May 2012 as a Committee composed of:

Dragoljub Popović, *President,*
András Sajó,
Paulo Pinto de Albuquerque, *judges,*

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

Having regard to the above application lodged on 14 July 2009,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Mehmet Özkan, is a Turkish national, who was born in 1991 and lives in Diyarbakır. He was represented before the Court by Mr H. Güzel, a lawyer practising in Diyarbakır.

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

The application mainly concerns the length of the criminal proceedings against the applicant. Besides the complaint under Article 6 of the Convention as regards the length of the proceedings, the applicant had initially complained under Articles 3 and 5 of the Convention about his alleged ill-treatment and unlawful police custody.

On 31 August 2011 the President of the Second Section decided to give notice of the application to the Government only in so far as it concerned the length of the proceedings. The impugned proceedings had lasted for a period of five years and three months at the time of the communication and appear to be still pending.

On 14 March 2012 and 23 March 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 3,600 (three thousand six hundred euros) to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Turkish liras at the rate applicable on the date of payment, and will be free of any tax that may be applicable. This sum 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 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 pursuant to Article 39 of the Convention.

Françoise Elens-Passos
Deputy Registrar

Dragoljub Popović
President