

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

SECOND SECTION

DECISION

Application no. 13865/10
by Şehmuz SEYHAN
against Turkey

The European Court of Human Rights (Second Section), sitting on 18 October 2011 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 23 February 2010,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Şehmuz Seyhan, is a Turkish national who was born in 1951 and lives in İzmir. He was represented before the Court by Ms M. Irgat, a lawyer practising in İzmir. The Turkish Government ("the Government") were represented by their Agent.

The applicant complained that his conviction and sentence for speaking in Kurdish during an election campaign had been in breach of his rights under Articles 5, 10 and 14 of the Convention. In addition, he maintained under Article 13 of the Convention that the domestic courts' manner of examining these cases failed to provide an adequate remedy.

On 4 November 2010, the President of the Second Section decided to communicate the applicant's complaints concerning the alleged interference

with his freedom of expression within the meaning of Article 10 of the Convention, considered alone or in conjunction with Article 14.

On 30 June 2011 and 15 August 2011, 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, *ex gratia,* 5,000 (five thousand) euros, plus any tax that may be chargeable to him. This sum 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 Convention and will be converted into Turkish liras at the rate applicable on the date of payment. 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

Dragoljub Popović
President