

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

SECOND SECTION

DECISION

Application no. 44475/09
Aydın TAMAÇ
against Turkey

The European Court of Human Rights (Second Section), sitting on 7 May 2013 as a Committee composed of:

Dragoljub Popović, *President,*
Paulo Pinto de Albuquerque,
Helen Keller, *judges,*

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

Having regard to the above application lodged on 7 August 2009,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Aydın Tamaç, is a Turkish national, who was born in 1971 and lives in Diyarbakır. He was represented before the Court by Mr N. Yıldırım, a lawyer practising in Diyarbakır.

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

The applicant complained under Article 6 § 3 (c) of the Convention that he had been denied legal assistance during his police custody. Relying on Article 6 § 1 of the Convention, he also complained about the excessive length of the criminal proceedings against him. Finally, the applicant argued under Article 5 §§ 2 and 3 of the Convention that his police custody and pre-trial detention had lasted too long.

On 4 October 2012 and 7 January 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 EUR 12 000 (twelve thousand 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 taxes 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 in accordance with Article 39 of the Convention.

Françoise Elens-Passos
Acting Deputy Registrar

Dragoljub Popović
President