

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

SECOND SECTION

DECISION

Application no. 50111/11
Cüneyt YEŞİLYURT and Mehmet Beşir OSKAN
against Turkey

The European Court of Human Rights (Second Section), sitting on 29 January 2013 as a Committee composed of:

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

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

Having regard to the above application lodged on 12 July 2011,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Cüneyt Yeşilyurt ("the first applicant") and Mr Mehmet Beşir Oskan ("the second applicant"), are Turkish nationals, who were born in 1982 and 1977 respectively. They were represented before the Court by Ms N. Selçuk and Mr M. Erbil, lawyers practising in İstanbul.

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

The first applicant mainly complained under Articles 5 § 3, 5 § 5 and 6 § 1 about the length of his pre-trial detention, his right to compensation for detention in contravention of Article 5 of the Convention and the length of criminal proceedings initiated against him. The second applicant mainly

complained under Article 6 § 1 of the Convention about the length of criminal proceedings initiated against him.

On 2 May 2012 and 4 September 2012 the Court received friendly settlement declarations signed by the parties under which the applicants 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 the first applicant EUR 6,000 (six thousand euros) and the second applicant EUR 3,000 (three thousand euros) to cover any non-pecuniary damage and EUR 500 (five hundred euros) jointly to cover any costs and expenses, which will 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. These sums 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 these sums within the said three-month period, the Government undertook to pay simple interest on them, 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.

Françoise Elens-Passos
Deputy Registrar

Dragoljub Popović
President