

ECTHR_CHAMBER 46749/99 vom 22. Dezember 2004

Ecthr Chamber, 2004-12-22, FR

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FR: ECTHR_CHAMBER 46749/99 du 22 décembre 2004

IT: ECTHR_CHAMBER 46749/99 del 22 dicembre 2004

Regeste

Radiation du rôle (règlement amiable)

Erwägungen

E. 23

La Cour a reçu du Gouvernement la déclaration suivante : « I declare that, with a view to securing a friendly settlement of the above-mentioned case, the Government of Republic of Turkey offer to pay ex gratia to the applicant, Mr Re■it Kaptan, an all-inclusive sum of 18 000 (eighteen thousand) euros, which should also cover any costs and expenses incurred. This sum will be payable within three months from the date of delivery of the judgment by the Court pursuant to the Article 39 of the European Convention on Human Rights. The payment will constitute the final resolution of the case. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay, until settlement, simple interest on the amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The Government further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention. »

E. 24

De leur côté, un des représentants du requérant a fait parvenir la déclaration ci-dessous : « As the representative of Mr Re■it Kaptan, I note that the Government of Republic of Turkey are prepared to pay ex gratia to the applicant the all-inclusive sum of 18 000 (eighteen thousand) euros, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights. I accept the proposal and waive any further claims against Turkey in respect of the facts of this application. I declare that this constitutes a final settlement of the case. This declaration is made in the context of a friendly settlement which the Government and I have reached. I further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after delivery of the Court's judgment. »

E. 25

La Cour prend acte du règlement amiable auquel sont parvenues les parties (article 39 de la Convention) et couvrant des faits antérieurs à l'adoption de cet arrêt. Sur ce point précis, la Cour est assurée que ce règlement s'inspire du respect des droits de l'homme tels que les reconnaissent la Convention ou ses Protocoles (articles 37 § 1 in fine de la Convention et 62 § 3 du règlement).

E. 26

Partant, il convient de rayer l'affaire du rôle.

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