



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

THIRD SECTION¹

CASE OF VON HANNOVER v. GERMANY

(Application no. 59320/00)

JUDGMENT
(Just Satisfaction - Friendly Settlement)

STRASBOURG

28 July 2005

This judgment is final but it may be subject to editorial revision.

¹ In its composition before 1 November 2004.

In the case of von Hannover v. Germany,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Mr I. CABRAL BARRETO, *President*,

Mr G. RESS,

Mr L. CAFLISCH,

Mr R. TÜRMEŃ,

Mr B.M. ZUPANČIĆ,

Mr J. HEDIGAN,

Mr K. TRAJA, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having deliberated in private on 5 July 2005,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 59320/00) against the Federal Republic of Germany lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a national of Monaco, Caroline von Hannover (“the applicant”), on 6 June 2000.

2. In a judgment delivered on 24 June 2004 (“the principal judgment”), the Court held that there had been a violation of the applicant's rights under Article 8 of the Convention. It found that the domestic courts had failed effectively to protect the applicant's private life against interferences resulting from the publication by various German magazines of photos of the applicant in her daily life (see *Von Hannover v. Germany*, no. 59320/00, §§ 43-81, ECHR 2004-VI).

3. Under Article 41 of the Convention the applicant sought just satisfaction of EUR 50,000 in non-pecuniary damage. She further claimed EUR 142,851.31 in reimbursement of her costs and expenses.

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicant to submit, within six months from the date on which the judgment becomes final, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (*Von Hannover*, cited above, § 85 and point 2 of the operative provisions).

5. The applicant and the Government each filed observations.

6. On 1 November 2004 the Court changed the composition of its Sections (Rule 25 § 1), but this case remained with the Chamber constituted within the former Third Section.

7. On 8 June 2005 the Court received the following declaration from the Government, signed by both parties' representatives on 7 June 2005:

“(…) The Federal Republic of Germany, represented by their Permanent Deputy Agent, Dr Hans-Jörg Behrens, *Regierungsdirektor*, of the Federal Ministry of Justice (...) and the applicant, Caroline von Hannover, represented by the attorneys Prinz Neidhardt Engelschall (...), having regard to the application of Article 41 of the Convention in the application no. 59320/00, reach the following

Friendly settlement:

1. The Federal Republic of Germany shall pay to the applicant a global sum of EUR 115,000 in just satisfaction within the meaning of Article 41 of the Convention. This sum comprises EUR 10,000 in compensation for non-pecuniary damage and EUR 105,000 for costs and expenses, including tax.
2. This sum is to cover all claims of the applicant against the Federal Republic of Germany in respect of the application no. 59320/00. The sum is payable within three months after the European Court of Human Rights, due to the friendly settlement agreement, decided to strike the case out of its list pursuant to Article 39 of the Convention, taken in conjunction with Rule 75 § 4 and Rule 43 § 3 of its Rules of Court.
3. The applicant, represented by the attorneys Prinz Neidhardt Engelschall, declares the said individual application to be disposed of with respect to the application of Article 41 of the Convention. She agrees for the case to be struck out of the list by the Court. The applicant waives any further claims against the Federal Republic of Germany with respect to the facts underlying her application.
4. The Government Agent of the Federal Republic of Germany undertakes to promptly notify the European Court of Human Rights of this agreement.”

THE LAW

8. Following its principal judgment the Court has been informed that a friendly settlement has been reached between the Government and the applicant with respect to the latter's claims under Article 41 of the Convention.

9. Having regard to its terms, the Court finds the agreement equitable within the meaning of Rule 75 § 4 of the Rules of Court and that it is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court). Consequently, it takes formal note of the agreement and considers it appropriate to strike the case out of the list pursuant to that provision.

10. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English, and notified in writing on 28 July 2005, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER
Registrar

Ireneu CABRAL BARRETO
President