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

FOURTH SECTION

DECISION

Application no. 45257/19
B.T.
against the Netherlands

The European Court of Human Rights (Fourth Section), sitting on 20 January 2022 as a Committee composed of:

Armen Harutyunyan, *President,*
Jolien Schukking,
Ana Maria Guerra Martins, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 22 August 2019,

Having regard to the decision to grant the applicant anonymity under Rule 47 § 4 of the Rules of Court,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr B.T., is a British national, who was born in 1985 and lives in Wallassey, Merseyside, the United Kingdom. He was represented by Mr Th.O.M. Dieben, a lawyer practising in Amsterdam.

The applicant's complaints under Article 5 § 1 of the Convention, concerning the lawfulness of his prolonged detention in the Netherlands – for the purpose of his surrender on the basis of a European arrest warrant to the United Kingdom – beyond 90 days after his apprehension, were communicated to the Dutch Government ("the Government").

The Court received the friendly settlement declarations, signed by the parties, under which the applicant agreed to waive any further claims against the Netherlands in respect of the facts giving rise to this application, subject to an undertaking by the Government to pay him 10,300 (ten thousand and three hundred) euros (EUR) to cover any non-pecuniary damage and EUR 5,011.95 (five thousand and eleven euros and ninety-five cents) to cover costs and expenses, plus any tax that might be chargeable to the applicant.

These amounts will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertake 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 the Protocols thereto 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.

Done in English and notified in writing on 10 February 2022.

Viktoriya Maradudina	Armen Harutyunyan
Acting Deputy Registrar	President