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

THIRD SECTION

DECISION

Application no. 29741/10
Guran DJINISOV
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 9 February 2016 as a Committee composed of:

Helen Keller, *President,*
Johannes Silvis,
Alena Poláčková, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 11 May 2010,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Guran Djinisov, is a Netherlands national, who was born in 1975 and lives in Harderwijk. He was represented before the Court by Mr J-L.A.M. Le Cocq D'Armandville, a lawyer practising in Rotterdam.

The Netherlands Government ("the Government") were represented by their Agent, Mr R.A.A. Böcker, of the Ministry for Foreign Affairs.

The applicant complained under Article 6 §§ 1, 2 and 3 of the Convention about being made to face financial consequences of a crime with which the prosecution authorities had explicitly declined to charge him for lack of evidence.

On 21 and 22 October 2015 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to relinquish any further claims against the Netherlands, whether under domestic or international law, in respect of the facts giving rise to this application against an undertaking by the Government to pay him, *ex gratia*,

– EUR 2,500 (two thousand five hundred euros) to cover any pecuniary and non-pecuniary damage, on which sum no tax will be chargeable; and

– EUR 4,756.79 (four thousand seven hundred and fifty-six euros and seventy-nine cents) to cover any and all costs and expenses, including value-added tax chargeable to the applicant.

These sums will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts 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.

Done in English and notified in writing on 10 March 2016.

Marialena Tsirli
Deputy Registrar

Helen Keller
President