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

FOURTH SECTION

DECISION

Application no. 28794/16
Constantin DUMITRU
against Portugal

The European Court of Human Rights (Fourth Section), sitting on 13 June 2017 as a Committee composed of:

Egidijus Kūris, *President,*
Paulo Pinto de Albuquerque,
Iulia Motoc, *judges,*

and Andrea Tamietti, *Deputy Section Registrar,*

Having regard to the above application lodged on 9 August 2016,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Constantin Dumitru, is a Romanian national, who was born in 1974 and is detained in Alcoentre. He was represented before the Court by Ms I.M. Peter, a lawyer practising in Bucharest.

2. The Portuguese Government ("the Government") were represented by their Agent, Ms M. F. da Graça Carvalho, Deputy Attorney General.

3. The applicant complained under Article 3 of the Convention about the material conditions of his detention in Lisbon Judicial Police Prison (*Estabelecimento Prisional anexo às instalações da Polícia Judiciária de Lisboa*), where he was detained from 16 October 2015 to 26 October 2016.

4. On 31 March and 4 May 2017 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Portugal in respect of the facts giving rise to this application against an undertaking by the Government to pay him 6,500 (six thousand five hundred) euros to cover any non-pecuniary damage as well as

costs and expenses, which will be free of any taxes that may be applicable and payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, 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

5. 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 6 July 2017.

Andrea Tamietti
Deputy Registrar

Egidijus Kūris
President