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

FOURTH SECTION

DECISION

This version was rectified on 30 October 2026 under Rule 81 of the Rules of Court.

Application no. 14652/24
F.S.
against the Netherlands

The European Court of Human Rights (Fourth Section), sitting on 29 September 2026 as a Committee composed of:

Sebastian Răduleţu*, President*,
András Jakab,
Corinna Wissels*, judges*,
and Simeon Petrovski, *Deputy Section Registrar,*

Having regard to:

the application (no. 14652/24) against the Kingdom of the Netherlands lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 24 May 2024 by a Dutch national ("the applicant"), who was born in 1967, lives in Diemen and was represented by Ms K.J.M. de Bel and Mr. Th. O.M. Dieben[1], a lawyer practising in Amsterdam.

Having regard to the decision not to have the applicant's name disclosed,

Having regard to the declaration submitted by the respondent Government, and the applicant's reply to this declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant's complaints under Article 5 § 3 of the Convention concerning the decisions to extend his pre-trial detention were communicated to the Government of the Kingdom of the Netherlands ("the Government").

[1] Rectified on 30 October 2026: Mr Th. O.M. Dieben was added as the applicant's second representative.

THE LAW

2. After unsuccessful friendly-settlement negotiations, by letters of 20 May 2026 and 16 July 2026 the Government submitted a unilateral declaration with a view to resolving the issues raised by these complaints.

3. In the declaration, the Government acknowledged a violation of Article 5 § 3 of the Convention. They offered to pay the applicant 2,000 (two thousand) euros (EUR) for non-pecuniary damage and EUR 9,674.07 (nine thousand six hundred seventy-four euros and seven cents) for legal costs incurred in the proceedings before the Court. The amount would be payable within three months from the date of notification of the Court's decision. The payment would constitute the final resolution of the case.

4. The applicant was sent the terms of the Government's unilateral declaration. By a letter of 23 June 2026, he informed the Court that he agreed to the terms of the declaration, but claimed, in addition, EUR 26,646.20 (twenty-six thousand six hundred and forty-six euros and twenty cents) in respect of legal costs and expenses incurred in the domestic proceedings. He requested that the Court award him that amount or, alternatively, such sum as it considered reasonable.

5. The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

6. Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

7. Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed for non-pecuniary damage – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

8. In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

9. Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

10. In view of the above, it is appropriate to strike the case out of the list.

APPLICATION OF RULE 43 § 4 OF THE RULES OF COURT

11. To the extent that the applicant claimed reimbursement of the costs and expenses incurred in the domestic proceedings (see paragraph 4 above), the Court reiterates that, when an application has been struck out in accordance with Article 37 of the Convention, the costs shall be at the discretion of the Court. It further recalls that when making an award under Rule 43 § 4 of the Rules of Court, the general principles governing reimbursement of costs are essentially the same as under Article 41 of the Convention (see, among others, *Pisano v. Italy* (striking out) [GC], no. 36732/97, §§ 53-54, 24 October 2002). In other words, in order to be reimbursed, the costs must relate to the alleged violation, have been actually and necessarily incurred and be reasonable as to quantum.

12. Having regard to Article 530 § 2 of the Dutch Code of Criminal Procedure, the Court considers that any possibility of recovering those costs at the domestic level is conditional and uncertain and cannot be regarded as an enforceable right to compensation. It therefore dismisses the Government's objection in this respect.

13. Having regard to the documents in its possession, the parties' submissions and its established case-law (see paragraph 11 above), the Court considers it reasonable to award the applicant a sum of EUR 9,500 in respect of costs and expenses incurred in the domestic proceedings, plus any tax that may be chargeable to him.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Holds

(a) that the respondent State is to pay to the applicant, within three months, in addition to the sum for non-pecuniary damage and legal costs incurred in the proceedings before the Court contained in the unilateral declaration submitted by the Government, EUR 9,500 (nine thousand five hundred euros) for costs and expenses, plus any tax that may be chargeable in this respect to the applicant;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English and notified in writing on 22 October 2026.

Simeon Petrovski Deputy Registrar	Sebastian Răduleţu President