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

FOURTH SECTION

DECISION

Application no. 10797/18
Jairo Nicomedes Jose FRANS
against the Netherlands

The European Court of Human Rights (Fourth Section), sitting on 19 May 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 26 February 2018,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Jairo Nicomedes Jose Frans, is a Dutch national, who was born in 1973 and lives in Almere, the Netherlands. He was represented by Mr S.T. van Berge Henegouwen, a lawyer practising in Maastricht.

The applicant's complaints under Article 5 § 3 of the Convention, concerning the reasoning of the Court of Appeal of The Hague when ordering his extended pre-trial detention (*gevangenhouding*) from 21 December 2017 onwards, 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 1,500 (one thousand and five hundred) euros to cover any non-pecuniary damage, plus any tax that might be chargeable to the applicant.

This amount will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertake 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

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 9 June 2022.

Viktoriya Maradudina Acting Deputy Registrar	Armen Harutyunyan President