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

THIRD SECTION

DECISION

Application no. 10642/13
Gedun GYATSO
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 11 March 2014 as a Committee composed of:

Alvina Gyulumyan, *President,*
Kristina Pardalos,
Johannes Silvis, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 14 December 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Gedun Gyatso, is a Chinese national, who was born in 1980 and lives in Amsterdam He was represented before the Court by Ms H.H.R. Bruggeman, a lawyer practising in Lisse.

The Netherlands Government ("the Government") were represented by their Deputy Agent, Ms L. Egmond, of the Ministry of Foreign Affairs.

The applicant complained under Article 5 § 5 of the Convention that he had not been awarded any compensation following the proceedings examining the lawfulness of his placement in aliens' detention.

On 16 December 2013 and 28 January 2014 the Court received friendly settlement declarations signed by the parties. Under the friendly settlement reached, the applicant agrees to waive any further claims against the Netherlands in respect of the facts giving rise to this application against an undertaking by the Government to pay him 1,200 euros free of any taxes that may be applicable, on the understanding that any costs for the applicant of proceedings before the Court are fully covered by the domestic legal aid

scheme. It will be 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 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 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.

Marialena Tsirli	Alvina Gyulumyan
Deputy Registrar	President