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

FIRST SECTION

DECISION

Application no. 43862/16
Dimitrios LAMBAKIS
against Greece

The European Court of Human Rights (First Section), sitting on 23 May 2017 as a Committee composed of:

Kristina Pardalos, *President,*
Pauliine Koskelo,
Tim Eicke, *judges,*

and Renata Degener, *Deputy Section Registrar,*

Having regard to the above application lodged on 25 July 2016,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Dimitrios Lambakis, is a Greek national, who was born in 1958 and is detained in Thessaloniki. He was represented before the Court by Mr C. Lampakis, a lawyer practising in Thessaloniki.

The Greek Government ("the Government") were represented by their Agent, Mr M. Apessos, President of the State Legal Council.

The applicant complained under Article under Articles 3 of the Convention about the conditions of his detention in Diavata Prison and under Article 13 of the lack of an effective domestic remedy in that regard.

On 4 April 2017 and 19 April 2017 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Greece 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 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 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

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 15 June 2017.

Renata Degener
Deputy Registrar

Kristina Pardalos
President