

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

THIRD SECTION

DECISION

Application no. 5251/11
Gianni MAGALETTO
against Romania

The European Court of Human Rights (Third Section), sitting on 26 March 2013 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 6 January 2011,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Gianni Magaletto, is an Italian national, who was born in 1978 and lives in Aprilia, Italy.

The Romanian Government ("the Government") were represented by their Agent, Mrs Catrinel Brumar, of the Ministry of Foreign Affairs.

The applicant complained under Article 3 of the Convention about the conditions of his detention in Craiova and Jilava Prisons.

On 1 October 2012 and 31 January 2013 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Romania in respect of the facts giving rise to this application against an undertaking by the Government to pay him 5,250 euros to cover any pecuniary and non-pecuniary damage as

well as costs and expenses, which will be converted into the respondent State's national currency at the rate applicable on the date of payment, and will be free of any taxes that may be chargeable to the applicant. 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.

Marialena Tsirli Deputy Registrar	Alvina Gyulumyan President