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

FOURTH SECTION

DECISION

Application no. 13241/22
António Nelson PEDROSA BATISTA
against Portugal
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 31 August 2023 as a Committee composed of:

Faris Vehabović*, President*,
Anja Seibert-Fohr,
Anne Louise Bormann*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 7 March 2022,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant's reply to this declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr V. Carreto, a lawyer practising in Torres Vedras.

The applicant's complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Portuguese Government ("the Government"). Complaints based on the same facts were also communicated under Article 13 of the Convention.

The Government submitted a declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application.

The Government acknowledged the inadequate conditions of detention. They offered to pay the applicant the amounts detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be payable within three months from the date of notification of the Court's

decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, 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 applicant informed the Court that he agreed to the terms of the declaration.

THE LAW

The Court finds that, following the applicant's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties.

It therefore 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 the continued examination of the application in the respective part.

In view of the above, it is appropriate to strike the case out of the list in the part concerning the inadequate conditions of his detention.

In so far as the applicant referred to Article 13 of the Convention, the Court, in the light of its findings above, does not consider it necessary to examine separately that complaint.

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 insofar as it concerned the complaints under Article 3 of the Convention;

Decides that there is no need to examine the complaints under Article 13 of the Convention.

Done in English and notified in writing on 21 September 2023.

Viktoriya Maradudina	Faris Vehabović
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non-pecuniary damage (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
13241/22 07/03/2022	**António Nelson PEDROSA BATISTA** 1970	Carreto Vítor Torres Vedras	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention	20/04/2023	15/05/2023	8,500	250

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.