

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

FOURTH SECTION

DECISION

Application no. 8632/13
Alzira PESTANA CAMPOS
against Portugal

The European Court of Human Rights (Fourth Section), sitting on 17 May 2016 as a Committee composed of:

Nona Tsotsoria, *President,*
Krzysztof Wojtyczek,
Gabriele Kucsko-Stadlmayer, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 24 January 2013,

Having regard to the declaration submitted by the respondent Government on 17 February 2016 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Alzira Pestana Campos, is a Portuguese national, who was born in 15 February 1968 and lives in Funchal.

The Portuguese Government ("the Government") were represented by their Agent, Mrs M. F. da Graça Carvalho, Deputy Attorney-General.

The applicant complained under Article 6 of the Convention about the length of civil proceedings to which she was a party.

The application was communicated to the Government.

After unsuccessful friendly-settlement negotiations, by letter dated 17 February 2016 the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application.

"Je soussignée M^me^. M. F. da Graça Carvalho, procureur générale adjoint, déclare que le gouvernement portugais offre de verser à Alzira Pestana Campos, la somme de 1.300,00 euros (mille trois cents euros) couvrant tout préjudice moral, et la somme de 1.000,00 euros (mille euros) couvrant l'ensemble des frais et dépens, au titre de la requête enregistrée sous le n° 8632/13, portant sur le délai raisonnable.

Ces sommes seront exemptes de toute taxe éventuellement applicable et seront payées dans les trois mois suivant la date de la notification de la décision de radiation rendue par la Cour sur le fondement l'article 37 § 1 c) de la Convention. Le paiement vaudra règlement définitif de la cause.

A défaut de règlement dans ledit délai, le Gouvernement s'engage à verser, à compter de l'expiration de celui-ci et jusqu'au règlement effectif des sommes en question, un intérêt simple à un taux égal à celui de la facilité de prêt marginal de la Banque centrale européenne, augmenté de trois points de pourcentage.

Le Gouvernement reconnaît qu'en l'espèce il y a eu violation de l'article 6 § 1 de la Convention."

On 24 March 2016, the Court received a letter from the applicant informing the Court that she had agreed to the terms of the Government's 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 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 pursuant to Article 39 of the Convention.

Done in English and notified in writing on 9 June 2016.

Fatoş Aracı
Deputy Registrar

Nona Tsotsoria
President