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

THIRD SECTION

DECISION

Application no. 23816/08
Q.A.
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 2 June 2015 as a Committee composed of:

Luis López Guerra, *President,*
Johannes Silvis,
Valeriu Griţco, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 20 May 2008,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Q.A., is a Dutch national, who was born in 1989 and lives in Rotterdam. The President decided that the applicant's identity would not be disclosed to the public (Rule 47 § 4). He was represented before the Court by Mr W.H. van Zundert, a lawyer practising in Rotterdam.

The Dutch Government ("the Government") were represented by their Agent, Mr R.A.A. Böcker, of the Ministry of Foreign Affairs.

The applicant complained, without naming any particular Article of the Convention or its Protocols, that the refusal to set off the execution of twenty-three days' detention of a previously suspended sentence against a twenty-three day reduction of another sentence granted by the Supreme Court as compensation for excessive length of proceedings was incompatible with the Supreme Court's judgment in which it had granted that reduction and therefore unlawful. The Court examined this complaint under Article 5 §§ 1 and 5 of the Convention.

On 18 and 19 March 2015 the Court received friendly settlement declarations signed by the parties under which the applicant agreed 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 4,000 euros to cover any pecuniary and non-pecuniary damage plus any tax that may be chargeable to the applicant. This sum 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 25 June 2015.

Marialena Tsirli
Deputy Registrar

Luis López Guerra
President