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

FOURTH SECTION

DECISION

Application no. 42226/20
Yu QIANG
against Portugal
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 9 December 2021 as a Committee composed of:

Armen Harutyunyan, *President,*
Jolien Schukking,
Ana Maria Guerra Martins, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 14 September 2020,

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 Articles 3 and 13 of the Convention concerning the inadequate conditions of detention and the lack of an effective remedy in this respect were communicated to the Portuguese Government ("the Government").

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 in the part covered by the declaration.

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 that part.

In view of the above, it is appropriate to strike the case out of the list as regards the complaints concerning the inadequate conditions of detention.

In so far as the applicant refers to Article 13 of the Convention, the Court, in the light of the above unilateral declaration, 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 as regards the complaints concerning the inadequate conditions of detention;

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

Done in English and notified in writing on 13 January 2022.

Viktoriya Maradudina	Armen Harutyunyan
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 non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
42226/20 14/09/2020	**Yu QIANG** 1972	Vítor Carreto Torres Vedras	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention	27/10/2021	18/11/2021	3,000	1,000

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