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

FIFTH SECTION

DECISION

Application no. 26666/12
Stanko RADOJEVIĆ
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 27 May 2014 as a Committee composed of:

Ann Power-Forde, *President,*
Boštjan M. Zupančič,
Helena Jäderblom, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 23 April 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Stanko Radojević, is a Slovenian national, who was born in 1987 and lives in Kranj. He was represented before the Court by Mr J. Ahlin, a lawyer practising in Ljubljana.

The Slovenian Government ("the Government") were represented by their Agent, Mrs Andreja Vran.

The applicant complained under Article 3 of the Convention about the material conditions of detention in the remand section of Ljubljana Prison and under Article 13 of the Convention about the lack of an effective domestic remedy in that regard.

After lodging the application to the Court the applicant instituted compensation proceedings against the Republic of Slovenia at a domestic level for payment of EUR 5,500 for inadequate prison conditions in Ljubljana Prison. A settlement was reached between the parties in those proceedings by which the Government undertook to pay the applicant compensation in the amount of EUR 3,680 with respect to non-pecuniary

damages and EUR 200 for the costs of the proceedings. With the settlement it was also set that the parties do not have any further claims against each other in respect of the facts giving rise to this application. However, the applicant informed the Court that he maintains his application for the difference between the amount he was paid at the domestic level for non-pecuniary damages and the costs of the proceedings and the amount he claimed in his application before the Court (EUR 22,000 for non-pecuniary damages and EUR 3,719.81 for the costs of the proceedings).

THE LAW

The Court notes that, after the Government had been given notice of the application, they informed the Court that they had reached a settlement with the applicant in the domestic proceedings regarding the inadequate prison conditions.

As regards the applicant's wish to maintain his application for the difference between the claimed and received amount and his dissatisfaction with the received amount, the Court notes that the applicant agreed to the settlement and accepted its conditions. Moreover, the applicant did not claim that he had been put under pressure or deceived by the Government.

In the absence of any indication to the contrary, the Court 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 as proposed by the applicant (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the application out of the list in accordance with Article 37 § 1 (b) of the Convention.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Stephen Phillips
Deputy Registrar

Ann Power-Forde
President