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

FIFTH SECTION

DECISION

Application no. 31357/12
Istvan REPACZKI
against Germany

The European Court of Human Rights (Fifth Section), sitting on 22 November 2016 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Mārtiņš Mits, *judges,*

and Anne-Marie Dougin, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 24 May 2012,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Istvan Repaczki, is a German national, who was born in 1987 and lives in Leipzig. He was represented before the Court by Mr A. Hohnstädter, a lawyer practising in Leipzig.

The German Government ("the Government") were represented by one of their Agents, Mrs K. Behr, of the Federal Ministry of Justice and Consumer Protection.

The applicant complained under Article 6 §§ 1 and 2 of the Convention about the reasons given by the Dresden Court of Appeal in its decision of 19 July 2011 for refusing him the reimbursement of his lawyers' costs. He claimed that the court's statement – that he could have been convicted of aiding and abetting assault had the proceedings not been barred by the prohibition to be prosecuted again for the same offence – had breached the presumption of innocence.

On 23 September 2016 the Court received a friendly settlement agreement, reached directly between the parties without the Court's involvement and duly signed by both of them. Under that agreement, the

applicant consented to have his application struck out of the Court's list of cases against an undertaking by the Government to pay him 3,000 (three thousand) euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses. This amount will be payable within three months from the date of the decision taken by the Court to strike the case out of its list. The payment will constitute the final resolution of the case.

THE LAW

In the light of the above, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of the application under Article 37 § 1 *in fine*.

Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 15 December 2016.

Anne-Marie Dougin Acting Deputy Registrar	Erik Møse President