

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

FIRST SECTION

DECISION

Application no. 39046/09
by Nikolaos ROÏDAKIS
against Greece

The European Court of Human Rights (First Section), sitting on 31 May 2011 as a Committee composed of:

Peer Lorenzen, *President,*
Elisabeth Steiner,
Khanlar Hajiyev, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 3 July 2009 ,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Nikolaos Roïdakis, is a Greek national who was born in 1953 and lives in Athens. He was represented before the Court by Mr A. Kaloutsakis, a lawyer practising in Athens. The Greek Government ("the Government") were represented were represented by their Agent, Mr F. Georgakopoulos, President of the Legal Council of the State.

The facts of the case, as submitted by the parties, may be summarised as follows.

On 24 April 2002 the applicant lodged an action with the Athens First Instance Administrative Court against the State, asking for EUR 1,000,000 to be awarded to him as compensation under Statutes 105-106 of the Introductory Law to the Civil Code and 932 of the Civil Code.

He requested to be compensated for the moral damage he had allegedly sustained on account of an alleged infringement of his personality due to the illegal entrance of the police authorities to his home and the illegality of the investigation that took place.

On 25 November 2005 the action was dismissed (judgment no. 13927/2005).

On 10 July 2006 the applicant lodged an appeal with the Athens Administrative Court of Appeal challenging the court's findings and its evaluation of the evidence.

By judgment dated 20 March 2008, the court rejected the applicant's appeal as inadmissible (judgment no. 966/2008).

According to certificate no. 8260/09 of the Athens Civil Court of Appeal, the applicant was served with the decision on 20 February 2009.

COMPLAINTS

The applicant complains under Articles 6 § 1 and 13 of the Convention about the length of the proceedings before the domestic courts and the lack of an effective remedy in this respect.

THE LAW

On 28 February 2011 the Court received the following declaration signed by the applicant's representative:

> "I, Aristides Kaloutsakis, note that the Government of Greece are prepared to pay *ex gratia* to Mr Nikolaos Roïdakis, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, 3 500 euros, to cover any and all pecuniary and non-pecuniary damage and any and all costs and expenses 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 by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.
>
> Having consulted my client, I would inform you that he accepts the proposal and waives any further claims against Greece in respect of the facts giving rise to this application. He declares that this constitutes a final resolution of the case."

On 2 March 2011 the Court received the following declaration from the Government:

> "I, Fokion P. Georgakopoulos, Agent of the Government of Greece, declare that the Government of Greece offer to pay, *ex gratia* to Mr Nikolaos Roïdakis, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, 3 500 euros, to cover any and all pecuniary and non-pecuniary damage and any and all costs and expenses plus any tax that may be chargeable to the applicant.
>
> This sum will payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on them, from 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 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 (Article 37 § 1 *in fine* of the Convention).

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.

André Wampach	Peer Lorenzen
Deputy Registrar	President