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

THIRD SECTION

DECISION

Application no. 7603/15
Johannes Martinus SMETSERS
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 17 May 2016 as a Committee composed of:

Helen Keller, *President,*
Johannes Silvis,
Alena Poláčková, *judges,*
and Stephen Phillips, *Section Registrar,*

Having regard to the above application lodged on 6 February 2015,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Johannes Martinus Smetsers, is a Netherlands national, who was born in 1980 and is detained in a remand institution (*huis van bewaring*) in Dordrecht. He was represented before the Court by Ms J. Kuijper and Mr Th.O.M. Dieben, lawyers practising in Amsterdam.

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

The applicant complained under Article 14 taken together with Article 8 of the Convention that the difference in treatment as regards unsupervised visits between remand prisoners like himself and convict prisoners was not justifiable in terms of normal restrictions on family life inherent in deprivation of liberty.

On 7 March 2016 and 14 March 2016 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to relinquish any further claims against the Netherlands, whether

under domestic or international law, in respect of the facts giving rise to this application against an undertaking by the Government to pay him, *ex gratia,* 1,000 (one thousand) euros to cover any and all damage, plus any tax that might be chargeable, as well 11 (eleven) euros to cover any and all costs and expenses, plus any tax that might be chargeable to the applicant. This sum would 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 would 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 9 June 2016.

Stephen Phillips
Registrar

Helen Keller
President