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

FOURTH SECTION

DECISION

Application no. 7084/15
Łukasz Tomasz SZUSTAK
against Poland

The European Court of Human Rights (Fourth Section), sitting on 3 May 2016 as a Committee composed of:

Nona Tsotsoria, *President,*
Krzysztof Wojtyczek,
Gabriele Kucsko-Stadlmayer, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 3 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 Łukasz Tomasz Szustak, is a Polish national, who was born in 1982 and is detained in Warszawa. He was represented before the Court by Mr P. Falkowski, a lawyer practising in Warsaw.

The Polish Government ("the Government") were represented by their Agent, Ms J. Chrzanowska of the Ministry of Foreign Affairs.

The applicant complained under Article 3 of the Convention about his classification as dangerous detainee and about conditions of his detention.

On 2 February 2016 and 14 March 2016 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Poland in respect of the facts giving rise to this application against an undertaking by the Government to pay him 15,000 Polish zlotys to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be free of any taxes that may be applicable and will 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 will 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 26 May 2016.

Fatoş Aracı Deputy Registrar	Nona Tsotsoria President