

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

FIFTH SECTION

DECISION

Application no. 54307/13
Markus THUMM
against Germany

The European Court of Human Rights (Fifth Section), sitting on 19 April 2016 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Mārtiņš Mits, *judges,*
and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 23 August 2013,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Markus Thumm, is a German national, who was born in 1973 and was detained in Lingen Prison when lodging his application. He was represented before the Court by Mr H. Pollähne, a lawyer practising in Bremen.

The German Government ("the Government") were represented by one of their Agents, Mr H.-J. Behrens, of the Federal Ministry of Justice and Consumer Protection.

The applicant complained under Article 5 § 1 of the Convention that the continuation of his detention for more than five months beyond the end of his term of imprisonment on 13 February 2013, without the domestic courts having taken the necessary decision on the need to execute the preventive detention order made against him, had breached his right to liberty.

On 26 December 2015 the application was communicated to the Government.

On 20 January 2016 the Court received a friendly settlement declaration signed by the applicant and on 22 February 2016 a corresponding declaration signed by the Government.

Under these declarations, the applicant agreed to waive any further claims against Germany in respect of the facts giving rise to this application against an undertaking by the Government to pay him twelve thousand euros to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant. This sum shall be payable within three months from the date of notification of the decision taken by the Court to strike the application out of its list of cases. 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 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 shall 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 12 May 2016.

Milan Blaško
Deputy Registrar

Erik Møse
President