

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

SECOND SECTION

DECISION

Application no. 35663/10
Dániel Barnabás TOKAJI
against Hungary

The European Court of Human Rights (Second Section), sitting on 26 March 2013 as a Committee composed of:

Peer Lorenzen, *President,*
András Sajó,
Nebojša Vučinić, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 June 2010,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Dániel Barnabás Tokaji, is a Hungarian national, who was born in 1977 and lives in Szekszárd. He was represented before the Court by Mr T. Fazekas, a lawyer practising in Budapest.

The Hungarian Government ("the Government") were represented by Mr Z. Tallódi, Agent, Ministry of Public Administration and Justice.

The applicant complained under Article 3 of the Convention about the conditions prevailing in the prison where he was detained, and under Article 5 § 3 about the length of his pre-trial detention.

On 5 and 11 February 2013 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Hungary in respect of the facts giving rise to this

application against an undertaking by the Government to pay him EUR 6,500 (six thousand five hundred euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into Hungarian forints at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It 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.

Françoise Elens-Passos
Deputy Registrar

Peer Lorenzen
President