

BGE 20240613_46807_21 vom 13. Juni 2024

Bundesgericht (BGE), 2024-06-13, FR

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FR: BGE 20240613_46807_21 du 13 juin 2024

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Volltext

Bundesgericht (BGE) EGMR 13.06.2024 20240613_46807_21 (Mangold c. Switzerland)
Tribunal fédéral (ATF) CEDH 13.06.2024 20240613_46807_21 (Mangold c. Switzerland)
Tribunale federale (DTF) CEDU 13.06.2024 20240613_46807_21 (Mangold c. Switzerland)

Urteilskopf 46807/21 Mangold c. Switzerland Décision no. 46807/21, 13 juin 2024
Sachverhalt THIRD SECTION DECISION Application no. 46807/21 Simon Pascal MANGOLD against Switzerland (see appended table) The European Court of Human Rights (Third Section), sitting on 13 June 2024 as a Committee composed of: Peeter Roosma , President , Andreas Zünd, Oddný Mjöll Arnardóttir , judges , and Viktoriya Maradudina, Acting Deputy Section Registrar, Having regard to the above application lodged on 17 September 2021, Having regard to the formal declarations accepting a friendly settlement of the case, Having deliberated, decides as follows: FACTS AND PROCEDURE
The applicant's details are set out in the appended table. The applicant was represented by Mr A. Joset, a lawyer practising in Basel. The applicant's complaints under Article 5 §§ 1 and 5 of the Convention concerning his detention for reasons of public safety (Sicherheitshaft) from 1 January until 20 May 2020 (140 days) which had been ordered on the basis of provisions from the Code of Criminal Procedure governing pre-trial detention, applied by analogy, pending a court ruling on a request for an extension of the institutional therapeutic measure (stationäre therapeutische Massnahme) imposed on him several years earlier, were communicated to the Swiss Government ("the Government"). The Court received the friendly-settlement declarations, signed by the parties, under which the applicant agreed to waive any further claims against Switzerland in respect of the facts giving rise to this application, subject to an undertaking by the Government to pay him the amounts detailed in the appended table. These amounts will be converted into Swiss francs at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertake to pay simple interest on them, 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. Erwägungen 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 the Protocols thereto 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. Entscheidung 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 4 July 2024. Viktoriya Maradudina Peeter Roosma Acting Deputy Registrar President APPENDIX Application raising complaints under

Article 5 §§ 1 and 5 of the Convention (deprivation of liberty) Application no. Applicant's name Year of birth Representative's name and location Date of receipt of Government's declaration Date of receipt of applicant's declaration Amount awarded for non-pecuniary damage (in euros) [1] Amount awarded for costs and expenses (in euros) [2] 46807/21 17/09/2021 Simon Pascal MANGOLD 1985 Joset Alain Basel 08/04/2024 08/04/2024 25,000 4,000 [1] Plus any tax that may be chargeable to the applicant. [2] Plus any tax that may be chargeable to the applicant.

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