THIRD SECTION

DECISION

Application no. 26015/04
by Dmitrijs ALEKSANDROVS
against Latvia

The European Court of Human Rights (Third Section), sitting on 15 November 2007 as a Chamber composed of:

 Mr B.M. Zupančič, *President*,
 Mr C. Bîrsan,
 Mrs E. Fura-Sandström,
 Mr E. Myjer,
 Mr David Thór Björgvinsson,
 Mrs I. Ziemele,
 Mrs I. Berro-Lefèvre, *judges*,
and Mr S. Quesada, *Section Registrar*,

Having regard to the above application lodged on 9 July 2004,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Dmitrijs Aleksandrovs, is a Latvian national who was born in 1977 and lives in Rīga. The Latvian Government (“the Government”) were represented by their Agent, Mrs I. Reine.

The facts of the case, as submitted by the applicant, may be summarised as follows.

On 10 April 2002 the applicant was detained on suspicion of having committed criminal offences. On 31 October 2002, upon the completion of the pre-trial investigation of the applicant’s case, it was received by the Rīga Regional Court for adjudication. On 30 July 2004 the Rīga Regional Court found the applicant guilty of aggravated extortion and aggravated robbery and sentenced him to eight years’ imprisonment. On 17 May 2006, on the applicant’s appeal, the Criminal Chamber of the Supreme Court quashed the judgment of the first instance court in part, finding the applicant guilty of aggravated extortion. The applicant did not submit a cassation appeal against this judgment to the Senate of the Supreme Court. Thus, the overall length in the instant case for two levels of jurisdiction was four years, one month and seven days, of which one year and nine months constituted the period between receipt of the applicant’s case by the first instance court and the delivery of its judgment.

COMPLAINTS

1.  The applicant complained under Articles 5 § 3 and 6 § 1 of the Convention about the length of his detention on remand and of the criminal proceedings against him.

2.  The applicant complained that his rights guaranteed by Article 6 § 3 (c) and (d) of the Convention had been infringed by the domestic courts.

THE LAW

On 30 July 2007 the Court received the following declaration signed by the applicant:

“I, Dmitrijs Aleksandrovs, note that the Government of Latvia are prepared to pay me *ex gratia* the sum of 1,700 euros with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

This sum, which is to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be converted into Latvian lati [LVL-official abbreviation] at the rate applicable on the date of payment, and 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 pursuant to Article 37 § 1 of the European Convention on Human Rights. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

I accept the proposal and waive any further claims against Latvia in respect of the facts giving rise to this application. I declare that this constitutes a final resolution of the case.”

On 3 October 2007 the Court received the following declaration from the Latvian Government:

“I, Inga Reine, Representative of the Government of Latvia, declare that the Government of Latvia offer to pay *ex gratia* 1,700 Euros to Mr Dmitrijs Aleksandrovs with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

This sum, which is to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be converted into Latvian lati [LVL-official abbreviation] at the rate applicable on the date of payment, and 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 pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake 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 will constitute the final resolution of the case.”

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 public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). In view of the above, it is appropriate to discontinue the application of Article 29 § 3 and 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.

 Santiago Quesada Boštjan M. Zupančič
 Registrar President