THIRD SECTION

DECISION

Application no. 19520/05
by Oļegs ANDRĒJEVS
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,
 Mrs A. Gyulumyan,
 Mr E. Myjer,
 Mrs I. Ziemele,
 Mrs I. Berro-Lefèvre, *judges*,
and Mr S. Quesada, *Section Registrar,*

Having regard to the above application lodged on 18 May 2005,

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 Oļegs Andrējevs, is a permanent resident (non-citizen) of Latvia who was born in 1966 and is currently serving his sentence in the Grīvas Prison, Daugavpils. 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.

*1st set of proceedings*

On 13 July 1998 the applicant was arrested on suspicion of aggravated hooliganism and infliction of bodily injuries. On 8 December 1998 the applicant’s pre-trial detention was changed to another preventive measure – prohibition on leaving the territory of Latvia. On 26 January 2004 the Rīga District Court found the applicant guilty of aggravated hooliganism and infliction of bodily injuries and sentenced him to two years’ imprisonment. On 29 June 2005 the Criminal Chamber of the Rīga Regional Court upheld the judgment of the first instance court. Thus, the overall length of the proceedings in the instant case for two levels of jurisdiction exceeded six years and eleven and half a months.

*2nd set of proceedings*

On 8 December 1998the applicant was arrested and criminal proceedings against him were initiated on suspicion of aggravated banditry. On 1 July 2002 the Criminal Chamber of the Rīga Regional Court found the applicant guilty of aggravated banditry and sentenced him to twelve years’ imprisonment. On 23 October 2003 the Criminal Chamber of the Supreme Court reduced the applicant’s sentence to 10 years’ imprisonment, upholding the remainder of the first instance court’s judgment. Thus, the overall length of the proceedings in the instant case for two levels of jurisdiction was four years and ten and half a months.

COMPLAINTS

1.  The applicant complained under Article 6 § 1 of the Convention about the length of the criminal proceedings against him.

2.  The applicant alleged violations of his rights guaranteed by Articles 5 § 3 and Article 8 § 1 of the Convention.

THE LAW

On 6 August 2007 the Court received the following declaration signed by the applicant:

“I, Oļegs Andrējevs, note that the Government of Latvia are prepared to pay me *ex gratia* the sum of 2,000 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* 2,000 Euros to Mr Oļegs Andrējevs 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