THIRD SECTION

DECISION

Application no. 6993/02
by Imants RONIS
against Latvia

The European Court of Human Rights (Third Section), sitting on 10 April 2007 as a Chamber composed of:

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

Having regard to the above application lodged on 20 November 2001,

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 Imants Ronis, is a Latvian national who was born in 1934 and lives in Liepāja, Latvia. He was represented before the Court by Mr A. Alliks, a lawyer practising in Riga. 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 23 April 1996 the applicant, in order to buy mineral fertilisers, concluded an agreement with an entrepreneur, H. The applicant transferred 2,240 *lats* (approximately 3,187.25 EUR) to H’s account but the fertilisers were not delivered. The applicant complained to the Riga City Central Police Department (*Rīgas Pilsētas Galvenā Policijas Pārvalde*) about this fact.

On 10 June 1996 the Riga City Central Police Department (hereinafter referred to as “the police”) initiated criminal proceedings against H on suspicion of having committed fraudulent misappropriation.

On an unspecified date a bank initiated civil proceedings against the applicant, claiming 3,500 *lats* (approximately 4,535.1 EUR). On 19 September 1997 the Liepāja District Court found against the applicant. The applicant drew the court’s attention to the fact that H had misappropriated his money and therefore he could not repay his debt on time.

On 17 September 1997 the police informed the applicant that on 30 May 1997 a criminal case against H had been initiated and a pre-trial investigation was being carried out.

On an unspecified date in February 1998 the applicant complained to the Prosecutor General about the ineffective investigation.

On 27 March 1998 the Riga City Vidzeme District Public Prosecutor informed the applicant that his allegations about the ineffective investigation of the case had proved to be true. The prosecutor gave certain instructions to the police officers dealing with the case and apologised to the applicant for their carelessness.

On 9 April 1998 the police informed the applicant that the officer dealing with the case had been found guilty of having delayed the investigation.

On several occasions the applicant complained to the Prosecutor General about the ineffective investigation of the case. In this respect he received answers from the Riga City Vidzeme District Public Prosecutor and the Prosecutor General’s Office. He was informed that additional investigation was necessary and it had been decided to involve a more experienced police officer. On 27 May 1999 the Riga City Vidzeme District Public Prosecutor informed the applicant that the police had been given instructions which had to be executed by 1 July 1999.

On 10 June 1999 the applicant was declared a civil party within criminal proceedings, entitled to 3,600 *lats* (approximately 5,122.37 EUR).

On 6 November 2000, on the applicant’s complaint to the Prosecutor General, the Prosecutor of the Prosecutor General’s Office informed the applicant that, in order to proceed with the investigation, the case had been transferred from the police to the Prosecutor of the Riga Regional Court.

On 16 February 2001 the Prosecutor of the Riga Regional Court decided to terminate the prosecution because of the lack of constituent elements of a criminal offence. The applicant appealed against this decision to the Prosecutor General.

On 13 March 2001 the Prosecutor of the Prosecutor General’s Office quashed the decision of 16 February 2001 as unsubstantiated and informed the applicant that the investigation had been delayed without any justifiable grounds. The case was transferred to the Head of the Prosecutor’s Office of the Riga Regional Court for additional investigation.

On 17 September 2001, on the applicant’s complaint to the Prosecutor General, the Prosecutor of the Prosecutor General’s Office informed the applicant that the Prosecutor dealing with the case had decided to charge H with fraud and to put him on “the wanted persons” list. The Head of the Prosecutor’s Office of the Riga Regional Court was requested to speed up the investigation.

On 17 December 2001 the Prosecutor of the Riga Regional Court informed the applicant that H was wanted by the police and that he would be kept informed of the progress of investigation.

On 9 December 2002 the Liepaja City and District Police informed the applicant that there was no information in the police database that H had been put on “the wanted persons” list.

According to the applicant, he did not receive any further information from the Public Prosecutors concerning the progress of the investigation.

COMPLAINT

The applicant complained under Articles 6 § 1 and 13 of the Convention that he was denied access to a court and that he did not have an effective domestic remedy in this respect.

THE LAW

On 5 July 2006 the President of the Chamber to which the case had been allocated decided to communicate the application to the respondent Government.

On 24 January 2007 the Court received the following declaration from the Latvian Government:

“I declare that the Government of Latvia offer to pay *ex gratia* 6,000 Latvian lati to Mr Imants Ronis 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 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.”

On 9 March 2007 the Court received the following declaration signed by the applicant’s representative:

“I, Aldis Alliks , representative of Mr Imants Ronis, note that the Government of Latvia are prepared to pay *ex gratia* the sum of 6,000 Latvian lati to Mr Imants Ronis 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 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.”

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). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

*Decides* to strike the application out of its list of cases.

 Stanley Naismith Boštjan M. Zupančič Deputy Registrar President