THIRD SECTION

DECISION

Application no. 30999/03
by Rolands ŠIRMAHERS
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 September 2003,

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 Rolands Širmahers, is a Latvian national who was born in 1958 and is currently serving his sentence in the Jelgavas Prison. 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 17 October 1994 criminal proceedings were initiated against the applicant, who was suspected of murder. On 1 April 1996 the applicant was arrested. On an unspecified date in 1997 the case was received by the Criminal Chamber of the Rīga Regional Court. On 27 June 1997 the Convention for the Protection of Human Rights entered into force with respect to Latvia. The Criminal Chamber of the Rīga Regional Court adjudicated the case between 29 January and 3 February 1998 and from 17 to 21 March 2000, delivering its judgment on 21 March 2000. The applicant was found guilty of murder and was sentenced to fifteen years’ imprisonment. On 23 August 2000 the Criminal Chamber of the Supreme Court quashed the judgment of 21 March 2000 and remitted the case to the first instance court for adjudication *de novo*. On 19 September 2000 the Criminal Chamber of the Rīga Regional Court received the case. On 24 October 2002 the court found the applicant guilty of murder and sentenced him to thirteen years’ imprisonment. This judgment was upheld by the Criminal Chamber of the Supreme Court on 6 February 2003. On 29 April 2003 the Senate of the Supreme Court dismissed the applicant’s cassation appeal. Thus, the overall length of the proceedings in the instant case was eight years, six months and twelve days, of which five years, ten months and two days were after the Convention entered into force with respect to Latvia.

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 Article 3 and 6 § 3 (a), (b) and (c) of the Convention during the pre-trial investigation of his case between 1 and 2 April 1996.

3.  The applicant complained under Articles 6 § 2, 8 and 14 of the Convention that information concerning him was published in several newspapers and allegedly broadcasted on TV.

THE LAW

On 24 August 2007 the Court received the following declaration signed by the applicant:

“I, Rolands Širmahers, 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 Rolands Širmahers 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). 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.

 Santiago Quesada Boštjan M. Zupančič
 Registrar President