THIRD SECTION

DECISION

Application no. 9602/02
by Nikolajs JERMOLAJEVS
against Latvia

The European Court of Human Rights (Third Section), sitting on 6 May 2008 as a Chamber composed of:

 Josep Casadevall, *President,* Elisabet Fura-Sandström, Alvina Gyulumyan, Egbert Myjer, Ineta Ziemele, Luis López Guerra, Ann Power, *judges,*and Santiago Quesada, *Section Registrar*,

Having regard to the above application lodged on 14 February 2002,

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 Nikolajs Jermolajevs, is a Latvian national who was born in 1955 and lives in Rīga District. 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 December 1997 the applicant was arrested on suspicion of having committed burglary and placed in a remand prison.

On 22 August 2000 the Rīga District Court found the applicant guilty of aggravated burglary and sentenced him to six years’ imprisonment*.* The applicant appealed against the judgment.

The Rīga Regional Court received the applicant’s appeal on 30 August 2000.

On several occasions the applicant applied to the Rīga Regional Court, the Ministry of Justice and the Prosecutor General’s Office complaining about the lack of progress in the appeal proceedings.

On 6 January 2003 the Rīga Regional Court upheld the judgment of 22 August 2000. On 21 January 2003 the court dismissed the applicant’s cassation appeal on points of law.

On 28 April 2003, on the applicant’s ancillary complaint, the Senate of the Supreme Court upheld the decision of 21 January 2003.

COMPLAINTS

1.  The applicant complained under Articles 6 and 13 of the Convention about the length of his detention on remand and the criminal proceedings against him and the lack of an effective remedy in this respect.

2.  Without invoking any Article of the Convention, the applicant complained that he had spent more than four years in the remand prison.

THE LAW

On 14 February 2008 the Court received the following declaration from the Government:

“I, Inga Reine, Representative of the Government of Latvia, declare that the Government of Latvia offer to pay *ex gratia* 1,500 Euros to Mr Nikolajs Jermolajevs 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.”

On 31 March 2008 the Court received the following declaration signed by the applicant:

“I, Nikolajs Jermolajevs, note that the Government of Latvia are prepared to pay me *ex gratia* the sum of 1,500 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.”

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 Josep Casadevall
 Registrar President