



COUR EUROPÉENNE DES DROITS DE L'HOMME  
EUROPEAN COURT OF HUMAN RIGHTS

FIRST SECTION

**CASE OF SLAVGORODSKI v. ESTONIA**

(Application no. 37043/97)

FRIENDLY SETTLEMENT

JUDGMENT

STRASBOURG

12 September 2000



**In the case of Slavgorodski v. Estonia,**

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Mrs W. THOMASSEN, *President*,

Mr L. FERRARI BRAVO,

Mr GAUKUR JÖRUNDSSON,

Mr R. TÜRMEŒ,

Mr C. BİRSAN,

Mr J. CASADEVALL,

Mr R. MARUSTE, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 5 September 2000,

Delivers the following judgment, which was adopted on that date:

**PROCEDURE**

1. The case originated in an application (no. 37043/97) against Estonia lodged with the European Commission of Human Rights ("the Commission") under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by an Estonian national, Vitali Slavgorodski ("the applicant"), on 23 July 1996.

2. The applicant was represented by Mr T. Sild, a lawyer practising in Brussels (Belgium). The Estonian Government ("the Government") were represented by their Agents, Mr E. Harremoes and Ms M. Hion.

3. The applicant complained under Article 6 of the Convention that he did not have a fair trial. In addition, he complained that he had been a victim of a violation of former Article 25 of the Convention in that during his imprisonment the prison authorities opened letters from the former European Commission of Human Rights before forwarding them to him. The applicant also complained about interference by the prison authorities with his other correspondence.

4. Following communication to the Government of the complaints concerning interference with his correspondence and rejection of the remainder of the application by the Commission, the case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 to the Convention. On 9 March 1999, having obtained the parties' observations, the Court declared the application admissible.

5. On 6 June 2000 the applicant's representative and the Agent of the Government submitted a formal declaration by which a friendly settlement had been reached.

## THE FACTS

6. The applicant was convicted of murder by judgment of the Tallinn City Court (*Tallinna Linnakohus*) of 15 November 1994 and sentenced to a term of imprisonment. The judgment was upheld by the Tallinn Court of Appeal (*Tallinna Ringkonnakohus*) on 5 January 1995. Leave to appeal to the Supreme Court (*Riigikohus*) was refused on 8 March 1995.

7. Following his conviction, the applicant was detained in Murru prison. On 4 September 1998 he was released on probation.

8. During his detention the applicant's incoming and outgoing mail was regularly opened by the prison administration and the dispatch and delivery of his correspondence took place with delay. The applicant referred, *inter alia*, to letters from the Ministry of Interior, the public prosecutor's office, the President and international organisations, which he received already opened.

9. The applicant claimed that letters from the European Commission of Human Rights, dated 12 December 1996, 22 January 1997, 16 April 1997, 25 July 1997, 22 October 1997, 19 December 1997 and 5 June 1998, were delivered to him already opened.

10. A letter from the Commission dated 25 July 1997, which arrived in the prison on 11 August 1997, was opened by the prison administration and given to the applicant on 14 August 1997 with a request to sign a statement that he had been informed of its content. The letter, which the applicant returned to the Commission, bore the stamp of Murru prison together with a reference number and the date of 11 August 1997.

## THE LAW

11. On 16 June 2000 the Court received the following joint declaration from the Government and the applicant's representative:

“Friendly settlement between the Government of the Republic of  
Estonia and Vitali Slavgorodski

The Government of the Republic of Estonia and the applicant Vitali Slavgorodski, in order to terminate the proceedings before the European Court of Human Rights, have reached a friendly settlement, the terms of which are as follows:

(a) The Government of the Republic of Estonia will hereby express their regret for the opening of the letters of the European Commission of Human Rights and for the opening of the letters of the applicant sent to the European Commission of Human Rights between 1996-1998;

(b) The Government of the Republic of Estonia will offer to pay a sum of 67 567,60 Estonian Crowns to the applicant which consists of [the] sum of 50 000 Estonian Crowns to cover any damage and costs and [the] sum of 17 567,60 Estonian Crowns as an income tax of the applicant<sup>1</sup>;

(c) The Government of the Republic of Estonia will send the decision of [the European Court of Human Rights] striking out the case to the President of the Republic, to the Legal Chancellor and to other relevant authorities;

(d) The applicant acknowledges that the payment of the above-mentioned sum will constitute full and final reparation for any pecuniary or non-pecuniary damage alleged in his application and any costs of the applicant;

(e) The applicant hereby waives any further claims in respect of the Republic of Estonia related to the facts of the aforesaid application and will not institute any further proceedings in the national or international institutions;

(f) The Government of the Republic of Estonia and the applicant agree that the present settlement is based on respect for human rights and ask the Court respectfully to strike the case out of the list of cases [...] under Article 39 of the European Convention on Human Rights.

Done at Tallinn, on 6 June 2000.

(signed)  
Vitali Slavgorodski  
Applicant

(signed)  
Tarmo Sild  
Lawyer of the  
Applicant

(signed)  
Mai Hion  
State Agent  
for the Government of the  
Republic of Estonia”

12. The Court takes note of the agreement reached between the parties as set out above (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

13. Accordingly, the case should be struck out of the list.

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<sup>1</sup> *Note by the Registrar.* The last part of the sentence refers to the amount of income tax payable on the principal sum to assure an effective payment of 50,000 Estonian Crowns.

FOR THESE REASONS, THE COURT UNANIMOUSLY

*Decides to strike the case out of the list.*

Done in English, and notified in writing on 12 September 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE  
Registrar

Wilhelmina THOMASSEN  
President