



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

FIRST SECTION

CASE OF JENSEN v. DENMARK

(Application no. 48470/99)

JUDGMENT
(Friendly settlement)

STRASBOURG

14 February 2002

In the case of Jensen v. Denmark,

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

Mr C.L. ROZAKIS, *President*,

Mrs F. TULKENS,

Mr P. LORENZEN,

Mrs N. VAJIĆ,

Mrs S. BOTOUCHAROVA,

Mr A. KOVLER,

Mr V. ZAGREBELSKY, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 24 January 2002,

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

PROCEDURE

1. The case originated in an application (no. 48470/99) against the Kingdom of Denmark lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Danish national, Leif Graaskov Jensen (“the applicant”), on 29 March 1999.

2. The Danish Government (“the Government”) were represented by their Agent, Mrs Nina Holst-Christensen, Ministry of Justice

3. The applicant complained, under Article 6 § 1 of the Convention, that the criminal charges against him were not determined within a reasonable time.

4. On 20 September 2001, having obtained the parties’ observations, the Court declared the application admissible.

5. On 2 November 2001 and 15 November 2001, the Agent of the Government and the applicant respectively submitted letters proposing a friendly settlement of the case, and on 28 November 2001 and on 26 November 2001 formal declarations in this respect were submitted.

THE FACTS

6. On 10 October 1994, having turned himself into the police, the applicant was charged with criminal offences. By judgment of 11 June 1998 from the City Court of Frederikssund (*Retten i Frederikssund*) the applicant was convicted in accordance with his own confession and sentenced to two years’ imprisonment on suspension, and in addition deprived of his right to practise law. On appeal, on 26 November 1998, the High Court of Eastern

Denmark (*Østre Landsret*) altered the sentence to one year's imprisonment without suspension. The applicant's request for leave to appeal was rejected by the Leave to Appeal Board (*Processbevillingsnævnet*) on 1 February 1999.

THE LAW

7. On 28 November 2001 the Agent of the Government submitted to the Court the following declaration:

"I declare that, with a view to securing a friendly settlement of [the application registered under no. 44704/98], the Government of Denmark offer to pay 30,000 Danish kroner to Leif Graaskov Jensen. This sum is to cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable within three months from the date of delivery of the judgment by the Court pursuant to Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

The Government further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention".

8. On 26 November 2001 the applicant submitted to the Court the following declaration:

"I note that the Government of Denmark are prepared to pay me the sum of 30,000 Danish kroner covering pecuniary and non-pecuniary damage as well as costs with a view to securing a friendly settlement of [my application] pending before the European Court of Human Rights.

I accept the proposal and waive any further claims against Denmark in respect of the facts of this application. I declare that this constitutes a final settlement of the case.

I further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after delivery of the Court's judgment"

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

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 14 February 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President