



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

FIFTH SECTION

DECISION

Application no. 9519/07  
by J.B.  
against Ireland

The European Court of Human Rights (Fifth Section), sitting on 21 June 2011 as a Committee composed of:

Mark Villiger, *President*,

Elisabet Fura,

Ann Power, *judges*,

and Stephen Phillips, *Deputy Section Registrar*,

Having regard to the above application lodged on 16 February 2007,

Having regard to its adjournment pending the examination by the Grand Chamber of *McFarlane v. Ireland* ([GC], no. 31333/06, ECHR 2010-...)

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr JB, is an Irish national, born in 1936 and living in Ireland. He was represented before the Court by Mr P.T. O'Reilly, a lawyer practising in Clonmel, Ireland. The Irish Government ("the Government") were represented by their Agent, Mr P. White, of the Department of Foreign Affairs. The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant was arrested and questioned in 1996 and 1998 and, in 1999, he was charged on sixteen counts of indecent assault against a number of his nieces between 1971 and 1987. He was sent for trial.

In 2001 he obtained leave to apply for judicial review for an order prohibiting his prosecution on grounds of delay. In November 2003 the

High Court prohibited his trial on charges concerning one niece but considered that his trial on the charges concerning his other nieces should go ahead. In February 2004 the applicant appealed. The Supreme Court hearing began in January 2006, resumed in October 2006 and judgment rejecting his appeal was delivered in November 2006.

In mid-2008 the applicant's trial took place but the jury were unable to agree on a verdict. Accordingly, later in 2008 the Director of Public Prosecutions entered a *nolle prosequi* thereby terminating the prosecution.

## COMPLAINTS

The applicant complained under Article 6 of the Convention about the length of the criminal proceedings against him and under Article 13 of the Convention that he had no effective domestic remedy in that respect.

## THE LAW

By letter dated 16 November 2010 the Government indicated to the Court, on a without prejudice basis, that they proposed to offer to the applicant the sum of 13,000 euros ("EUR"), inclusive of costs and expenses, in settlement of the present case.

By letter dated 8 December 2010 the applicant indicated that he wished to accept the Government's offer of settlement.

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 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 strike the case out of the list.

For these reasons, the Court unanimously,

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

Stephen Phillips  
Deputy Registrar

Mark Villiger  
President