

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

THIRD SECTION

DECISION

Application no. 25761/02
by Georgijs BOGDANOVS - MIGAĻEVS
against Latvia

The European Court of Human Rights (Third Section), sitting on 18 January 2011 as a Chamber composed of:

Elisabet Fura, *President,*
Corneliu Bîrsan,
Boštjan M. Zupančič,
Alvina Gyulumyan,
Ineta Ziemele,
Luis López Guerra,
Ann Power, *judges,*

and Santiago Quesada, *Section Registrar,*

Having regard to the above application lodged on 3 June 2002,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

PROCEDURE

The application was lodged by Mr Georgijs Bogdanovs - Migaļevs, a Latvian national who was born in 1973 and lives in Rīga. He was represented before the Court by Ms I. Nikuļceva, a lawyer practising in Rīga. The Latvian Government ("the Government") were represented by their Agent, Mrs I. Reine.

The applicant complained in particular under Articles 5, 6 and 13 of the Convention about the length of his pre-trial detention, the length of criminal

proceedings against him and the lack of an effective domestic remedy in that regard.

On 1 November 2007 and 29 September 2010 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Latvia in respect of the facts giving rise to this application against an undertaking by the Government to pay him 3,000 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Latvian lati at the rate applicable on the date of payment, and will be 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 undertook 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 LAW

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 other 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.

Santiago Quesada
Registrar

Elisabet Fura
President