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

FIRST SECTION

DECISION

Application no. 47658/22
Aleksandrs DUBJAGO
against Latvia

The European Court of Human Rights (First Section), sitting on 19 February 2026 as a Committee composed of:

Erik Wennerström*, President*,
Raffaele Sabato,
Artūrs Kučs*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 47658/22) against the Republic of Latvia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 2 October 2022 by a Latvian national, Mr Aleksandrs Dubjago ("the applicant"), who was born in 2002, lives in Riga and was represented by Ms I. Jansone, a lawyer practising in Riga;

the decision to give notice of the complaints under Article 5 §§ 1 (c) and 3 and Article 8 of the Convention to the Latvian Government ("the Government"), represented by their former Agent, Ms K. Līce, and subsequently by their current Agent, Ms E.L. Vītola, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaint about his pre-trial detention and searches at two residential premises.

2. On 10 May 2022 the applicant was arrested in the vicinity of a public monument. On the following day criminal proceedings were instituted in respect of the criminal offence of public glorification and justification of crimes against peace or war crimes (section 74^1 of the Criminal Law

(*Krimināllikums*)) and the applicant was interviewed in connection with those proceedings. On 12 May 2022 he was declared a suspect. On the same day, his pre-trial detention was ordered by an investigating judge. By a final decision of 3 June 2022, a higher-court judge upheld the applicant's pre-trial detention. On 17 June 2022 the applicant was released.

3. On 12 May 2022 searches of both the applicant's home and his officially declared place of residence were ordered by an investigating judge, who considered that there were grounds to believe that objects and documents containing information relating to the above-mentioned criminal offence could be found at those residential premises. The operative parts of the two search warrants allowed for searches at those residential premises with the aim of finding and seizing:

> "documents, records, electronic storage devices (including mobile phones), symbols, banners and other visual material containing information, as well as other items that may have evidential value in the criminal proceedings and which would confirm the applicant's involvement in the above-mentioned criminal offence."

4. On the same day, the premises in question were searched in the presence of the applicant, a lawyer and his mother. At his home, an external hard drive and a SIM card were seized (a note was made in the search record that those items belonged to his mother). At the applicant's officially declared place of residence, nothing was seized.

5. The applicant submitted that he had lodged appeals against both search warrants, but only an appeal against the search warrant for his home was received by a domestic court. On 27 June 2022 an appellate court judge dismissed that appeal. He found that the search warrant had contained specific indications as to what items had to be searched for and seized; he did not see any grounds to consider that there had been an unjustified interference with the applicant's private life. The judge noted that the applicant could lodge a complaint under section 337(2) of the Criminal Procedure Law (*Kriminālprocesa likums*) about actions taken by officials during the search (see paragraph 11 below). However, the applicant did not lodge such a complaint.

6. On 30 December 2022 the criminal proceedings were discontinued for lack of elements of a criminal offence.

7. On 29 June 2023 the applicant lodged a claim for compensation against the State with the relevant authority, claiming 7,000 euros (EUR) in respect of non-pecuniary damage and EUR 8,304.95 in respect of pecuniary damage.

8. Before the Court, the applicant complained that there had been no reasonable suspicion against him and no justification for his pre-trial detention. He relied, in substance, on Article 5 §§ 1 (c) and 3 of the Convention. He also alleged under Article 8 of the Convention that the two searches at the residential premises had been unjustified and amounted to a "fishing expedition".

RELEVANT LEGAL FRAMEWORK

9. Article 92 of the Latvian Constitution (*Satversme*) provides that everyone has the right to defend his or her rights and lawful interests in a fair court, and that everyone whose rights are violated without justification has the right to commensurate compensation.

10. Section 4 of the Law on Compensation for Damage Caused in Criminal Proceedings and Administrative Offence Proceedings (*Krimināl*procesā *un administratīvo pārkāpumu lietvedībā nodarītā kaitējuma atlīdzināšanas likums* – hereinafter "the Law"), effective as of 1 March 2018, establishes the basis for the right to compensation for damage caused in criminal proceedings. One of the conditions providing a legal basis for compensation is the discontinuation of criminal proceedings on exonerating grounds (section 4(1)(2)). An action of an institution, the Prosecutor's Office or a court is considered to be unjustified if, although it complied with legal provisions at the material time, one of the conditions for compensation has subsequently arisen (section 6(2)). A breach of the right to liberty is included among the grounds on which non-pecuniary damage can be claimed under the Law (section 11(1)(1)). Section 17(1)(1) of the Law provides that the Prosecutor's Office shall be the decision-making institution regarding compensation for damage caused in pre-trial proceedings. Under section 18(1) of the Law, an individual must submit his or her request for compensation to a decision-making institution. Pursuant to section 20 of the Law, such a request must be lodged no later than six months after the conditions for the right to compensation have been met.

11. Section 337 of the Criminal Procedure Law has been quoted in *Rimšēvičs v. Latvia* (no. 56425/18, § 29, 10 November 2022).

THE COURT'S ASSESSMENT

A. Alleged violation of Article 5 §§ 1 (c) and 3 of the Convention

12. The Government raised an objection that the applicant had not exhausted domestic remedies in respect of this complaint. Given that the criminal proceedings against him had been discontinued, the applicant could request compensation in accordance with the Law. He had met the criteria to claim compensation and had actually made use of that remedy (see paragraphs 7 and 10 above). The applicant disagreed with the Government's objection and emphasised that he sought the finding of a violation; compensation was a separate and complementary matter.

13. The general principles on exhaustion of domestic remedies were set out in *Vučković and Others v. Serbia* ((preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-77, 25 March 2014). Where an applicant complains that he or she was detained in breach of domestic law – and

therefore in breach of Article 5 § 1 of the Convention – and the detention has come to an end, a compensation claim capable of leading to an acknowledgment of the alleged violation and an award of compensation is in principle an effective remedy which needs to be pursued if its effectiveness in practice has been convincingly established (see *Selahattin Demirtaş v. Turkey (no. 2)* [GC], no. 14305/17, § 208, 22 December 2020, and *Mansouri v. Italy* (dec.) [GC], no. 63386/16, § 86, 29 April 2025).

14. As the applicant lodged his application with the Court after his release from pre-trial detention, the Court considers that a compensatory remedy in principle could be considered effective. As to the effectiveness of the remedy in question, the Government referred to the 2020-22 annual reports by the Prosecutor's Office, concerning information about requests for compensation examined by it. In particular, in 2022 the Prosecutor's Office had examined 31 requests for compensation, of which 11 had been granted. In ten cases the Prosecutor's Office had granted compensation for unjustified deprivation of liberty. The Government also submitted two examples of cases where the Prosecutor's Office had granted compensation in respect of non-pecuniary and pecuniary damage for unjustified deprivation of liberty (they relied on a decision of 29 August 2019 in respect of unjustified deprivation of liberty lasting 15 days, and a decision of 13 September 2022 in respect of unjustified deprivation of liberty lasting less than 48 hours and certain legal costs).

15. Given those circumstances, the Court finds that the Government have established the effectiveness and availability, in theory and practice, of a compensatory remedy under the Law for unjustified deprivation of liberty in relation to criminal proceedings that have been discontinued on exonerating grounds. The Court therefore upholds the Government's objection that the applicant should have used that remedy. It also notes that the applicant did not contest the effectiveness of that remedy and applied to the Prosecutor's Office to request compensation for the deprivation of his liberty (see paragraph 7 above). Those proceedings appear to be still pending.

16. Accordingly, the applicant's complaint under Article 5 §§ 1 (c) and 3 of the Convention is premature and must be rejected under Article 35 §§ 1 and 4 of the Convention.

B. Alleged violation of Article 8 of the Convention

17. The Government raised several objections in respect of this complaint. In particular, they emphasised that the applicant had not exhausted domestic remedies as he had not lodged any complaints about actions taken during both searches (see paragraphs 5 and 11 above). As to the search warrant in respect of his declared place of residence, he had failed to lodge an appeal; as to the search warrant in respect of his home, his complaint was also manifestly ill-founded. The applicant disagreed and insisted that he had lodged appeals and pursued them at all levels.

18. As to the scope of the search warrant for the applicant's declared place of residence, although he insisted that he had lodged an appeal, he failed to submit any evidence in that regard (such as an email or transcript from the official electronic register). In such circumstances, the Court considers that this part of the applicant's complaint is inadmissible for non-exhaustion of domestic remedies and must be rejected in accordance with Article 35 § 1 of the Convention.

19. As to the scope of the search warrant for the applicant's home, it was limited to the specific criminal offence under investigation (see paragraphs 2-3 above). It was clear from the operative part of the search warrant that the officials were only authorised to seize items that had evidential value for the investigation of that criminal offence; that search warrant was upheld by an appellate court judge. Thus, the scope of the search warrant was sufficiently limited. Accordingly, this part of the applicant's complaint is manifestly ill-founded and must be rejected in accordance with Article 35 § 3 (a) of the Convention.

20. With respect to the applicant's allegation that the searches amounted to a "fishing expedition", the Court further finds that the applicant has not lodged any complaints under section 337 of the Criminal Procedure Law about actions taken by the officials involved in both searches (compare and contrast *Vinks and Ribicka v. Latvia*, no. 28926/10, §§ 39-53, 30 January 2020; *Močuļskis v. Latvia* [Committee], no. 71064/12, §§ 20-24, 17 December 2020; and *Krieviņa v. Latvia* [Committee], no. 31381/17, §§ 7-9, 27 February 2025). Accordingly, this part of the applicant's complaint is inadmissible for non-exhaustion of domestic remedies.

21. It follows that the applicant's complaint under Article 8 of the Convention must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 19 March 2026.

Liv Tigerstedt Deputy Registrar	Erik Wennerström President