CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

THIRD SECTION

DECISION

Application no. 578/02
by Juris VUCĒNS
against Latvia

The European Court of Human Rights (Third Section), sitting on 6 May 2008 as a Chamber composed of:

Josep Casadevall, *President,*
Elisabet Fura-Sandström,
Alvina Gyulumyan,
Egbert Myjer,
Ineta Ziemele,
Luis López Guerra,
Ann Power, *judges,*

and Santiago Quesada, *Section Registrar*,

Having regard to the above application lodged on 13 November 2001,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Juris Vucēns, is a Latvian national who was born in 1977 and is currently serving his prison sentence in the Matīsa Prison, Rīga. The Latvian Government ("the Government") were represented by their Agent, Mrs I. Reine.

The facts of the case, as submitted by the applicant, may be summarised as follows.

On 7 December 2000 the applicant was arrested on suspicion of attempted murder and criminal proceedings against him were opened.

On 8 December 2000 the applicant was brought before a judge of the Rīga District Court, who decided to impose on him detention on remand as a preventive measure. The applicant did not appeal against this decision.

On 31 January 2001 the judge extended the applicant's pre-trial detention until 28 February 2001. The applicant did not appeal against this decision.

On 1 March 2001 the pre-trial investigation of the case was completed and the case was transferred to the Rīga Regional Court for adjudication. On 12 March 2001 the court scheduled a hearing for 25 March 2003 and left the preventive measure applied to the applicant unchanged.

On 1 November 2002 the Senate of the Supreme Court (pursuant to Article 77 § 7 of the Code of Criminal Procedure, in force at the material time, requiring authorisation of the Supreme Court for extension of pre-trial detention beyond 1 year and 6 months) decided to retain the applicant in detention until 1 May 2003.

On 25 March 2003 the Rīga Regional Court commenced adjudication of the applicant's case and on 2 April 2003 found him guilty of attempted aggravated murder and sentenced him to ten years' imprisonment.

On 10 March 2004 the Criminal Chamber of the Supreme Court upheld the judgment of the first instance court.

On 3 June 2004 the Senate of the Supreme Court dismissed the applicant's cassation appeal.

COMPLAINTS

1. The applicant complained that the length and lawfulness of his pre-trial detention were contrary to the requirements of Article 5 of the Convention.

2. The applicant complained under Article 6 of the Convention about the length of the criminal proceedings against him.

THE LAW

On 14 January 2008 the Court received the following declaration signed by the applicant:

> "I, Juris Vucēns, note that the Government of Latvia are prepared to pay me *ex gratia* the sum of 1,500 euros with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be converted into Latvian lati [LVL-official abbreviation] at

the rate applicable on the date of payment, and 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. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

I accept the proposal and waive any further claims against Latvia in respect of the facts giving rise to this application. I declare that this constitutes a final resolution of the case."

On 6 March 2008 the Court received the following declaration from the Government:

"I, Inga Reine, Representative of the Government of Latvia, declare that the Government of Latvia offer to pay *ex gratia* 1,500 Euros to Mr Juris Vucēns with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

This sum, which is to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be converted into Latvian lati [LVL-official abbreviation] at the rate applicable on the date of payment, and 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 undertake 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 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 public policy 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 discontinue the application of Article 29 § 3 and 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

Josep Casadevall
President