THIRD SECTION

DECISION

Application no. 16191/03
by Oleg Ivanovich SYSYUK
against Latvia

The European Court of Human Rights (Third Section), sitting on 17 January 2008 as a Chamber composed of:

 Boštjan M. Zupančič, *President,* Corneliu Bîrsan, Elisabet Fura-Sandström, Alvina Gyulumyan, David Thór Björgvinsson, Ineta Ziemele, Isabelle Berro-Lefèvre, *judges,*and Santiago Quesada, *Section Registrar*,

Having regard to the above application lodged on 9 July 2004,

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 Oleg Ivanovich Sysyuk, is a Russian national who was born in 1963 and lives in 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 29 February 2000 the applicant was detained on suspicion of having committed criminal offences. On 27 February 2001, upon the completion of the pre-trial investigation of the applicant’s case, it was received by the Rīga Regional Court for adjudication. On 31 March 2003 the Rīga Regional Court found the applicant guilty of aggravated extortion and aggravated robbery and sentenced him to five years’ imprisonment. On 25 November 2003, on the applicant’s appeal, the Criminal Chamber of the Supreme Court upheld the judgment of the first instance court. The applicant did not submit a cassation appeal against this judgment to the Senate of the Supreme Court. Thus, the overall length in the instant case for two levels of jurisdiction was three years and almost nine months, of which two years and over a month constituted the period between receipt of the applicant’s case by the first instance court and the delivery of its judgment.

COMPLAINTS

1.  The applicant complained in substance under Articles 5 § 3 and 6 § 1 of the Convention about the length of his detention on remand and of the criminal proceedings against him.

2.  The applicant complained that his rights guaranteed by Articles 7, 8 and 13 of the Convention had been infringed.

THE LAW

On 3 October 2007 the Court received the following declaration from the Latvian Government:

“I, Inga Reine, Representative of the Government of Latvia, declare that the Government of Latvia offer to pay *ex gratia* 2,100 euros to Mr Oleg Sysyuk 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.”

On 4 December 2007 the Court received the following declaration signed by the applicant:

“I, Oleg Sysyuk, applicant, note that the Government of Latvia are prepared to pay me *ex gratia* the sum of 2,100 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.”

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 Boštjan M. Zupančič
 Registrar President