

## SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES



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Date: 09/01/2017

**DH-DD(2017)12**

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1280 meeting (7-9 March 2017) (DH)

Communication from the authorities (23/12/2016) (in reply to the communication from the applicant DH-DD(2016)1416) in the case of Sharma against Latvia (Application No. 28026/05)

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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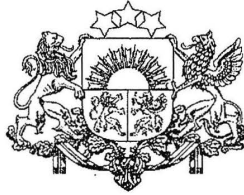
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Réunion : 1280 réunion (7-9 mars 2017) (DH)

Communication des autorités (23/12/2016) (en réponse à la communication du requérant DH-DD(2016)1416) dans l'affaire Sharma contre Lettonie (Requête n° 28026/05) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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LATVIJAS REPUBLIKAS ĀRLIETU MINISTRIJA

MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF LATVIA

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**Mr Pavlo Pushkar**  
**Head of Division**  
**Department for the Execution of Judgments**  
**of the European Court of Human Rights**  
**DGI – Directorate General of Human Rights and Rule of Law**  
**Council of Europe**  
**F-67075 STRASBOURG CEDEX**

No. 03/261-4392

Riga, 23 December 2016

Dear Mr Pushkar,

Referring to your letter DGI/PP/TC of 19 December 2016 concerning the execution of judgment of 24 March 2016 (final on 24 June 2016) in the case *Sharma v. Latvia* (application no.28026/05), I would like to inform you about the course of the execution of the Court's judgment in the above case with regard to the individual measures.

On 4 July 2016, the Government Agent's Office sent a letter to Mr Pradeep Sharma and Mr Anuj Castelino, the applicant's representative, informing them about the just satisfaction awarded by the Court and asking them to submit information on the applicant's bank account to allow the Government to pay the compensation awarded. The Agent's Office received no answer from either the applicant himself, or his representative. At the same time, it came to the attention of the Agent's Office that the applicant had visited the Embassy of the Republic of Latvia to the Republic of India and demanded a residence permit for entering Latvia. During his visit, the applicant did not present the requested information.

Furthermore, as it can be seen from the Annex to the letter DGI/PP/TC submitted by the applicant, following his e-mail, on 20 September 2016, the Government repeatedly requested the applicant to submit information regarding his bank account for making the payment of just satisfaction. As the deadline for the payment of the just satisfaction would have expired shortly, the Government deposited the amount of EUR 5,000 with the State Treasury with Pradeep Sharma as the indicated beneficiary. Up until the date of the present letter, the applicant failed to respond to the Government's request.

Shortly afterwards, in response to the applicant's e-mail concerning the possibility to obtain a residence permit, on 21 September 2016, the Agent's Office sent a new request

for information, and additionally provided the applicant with the necessary contacts of the Office of Citizenship and Immigration Affairs, an institution responsible for granting residence permits for entering in Latvia. Moreover, the Agent's Office invited the applicant to consult websites containing information and guidance on submitting the request to issue a residence permit which is available in English; in addition, the website links to the relevant Latvian legal acts which are available in English and Latvian were also provided (please see Annex 1).

I wish to emphasise that as of 23 December 2016, the applicant has not submitted any request to issue a residence permit or visa either to the Embassy of the Republic of Latvia to the Republic of India, or the Office of Citizenship and Migration Affairs. I note that from the annexes to your letter DGI/PP/TC of 19 December 2016 it appears that the applicant has approached the Ministry of Justice and the Constitutional Court of Latvia, even though these institutions in no way deal with residence permits or visas. I regret that the applicant has failed to follow the clear guidance the Agent's Office offered to him, namely, to approach the Office of Citizenship and Migration Affairs, and I confirm that the applicant's name has been removed from the list of persons prohibited from entering in Latvia. Therefore, should the applicant decide to lodge a request to obtain a residence permit with the Latvian authorities, this request will be duly examined in accordance with the well-established Court's case-law on application of Article 8 of the Convention, including the guiding legal criteria on family reunion aspects.

I also wish to reassure you that the Agent's Office will continue its efforts to ensure that the Court's judgment in the case of *Sharma v. Latvia* is duly executed.

Annex 1: the copy of the Government's e-mail of 21 September 2016 to the applicant on 1 p.

Yours sincerely,



**Kristīne Līce**

Agent of the Government of the Republic of Latvia