



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

FIRST SECTION

DECISION

Application no. 22440/22
Edvīns TRĒGERS
against Latvia

The European Court of Human Rights (First Section), sitting on 10 September 2026 as a Committee composed of:

Erik Wennerström, *President*,

Artūrs Kučs,

Anna Adamska-Gallant, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the application (no. 22440/22) 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 19 April 2022 by a Latvian national, Mr Edvīns Trēgers (“the applicant”), who was born in 1978, lives in Amata parish and was represented by Ms I. Bulgakova, a lawyer practising in Riga;

the decision to give notice of the complaints under Article 5 §§ 1 and 5 of the Convention to the Latvian Government (“the Government”), represented by their 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 that he was deprived of his liberty on 14 November 2013. At the time, he was a resident of a State social care institution, Ziedkalne.

2. According to the applicant, he was deprived of his liberty during the following three periods on that day.

(i) From 1.30 p.m., when he was stopped on the road by police officers, ordered to get into a municipal police car, and transported back to his place

of residence, where he remained in the police car under the supervision of a municipal police officer, A.R., until a State police officer, S.B., instructed him to move to the boiler house.

(ii) From 3.20 p.m. in the boiler house, where he was placed under the supervision of an employee of the social care institution and remained isolated until the State police officers returned and asked him to come with them to the police station.

(iii) From 6.30 p.m., when State Police Officers S.B. and J.P. took the applicant by car to the police station in Jelgava, where he was questioned from 6.50 p.m. until 7.16 p.m. as a witness in criminal proceedings instituted on the same day concerning another person's escape from the social care institution on 13 November 2013. After the questioning, the State police officers transported the applicant back to the social care institution, where he arrived at 8.04 p.m.

3. The sequence of events on 14 November 2013 is largely undisputed between the parties. However, they disagree as to the nature of the applicant's interaction with the police officers and whether he was deprived of his liberty. While the applicant alleged that the police officers had used threats and coercion, the Government, on the contrary, maintained that he had at all times been free to leave and had acted of his own free will.

4. Criminal proceedings (no. 12812003014) were instituted against State Police Officers J.P. and S.B. on the suspicion that they had exceeded their official powers in connection with their actions on 14 November 2013. On 5 December 2016 the applicant, who had been recognised as a victim in those proceedings, lodged a compensation claim. When examining whether J.P. and S.B. had exceeded their official powers, the domestic courts found, *inter alia*, that the applicant had not been deprived of his liberty. By a final decision of 30 November 2021, both State police officers were acquitted. Consequently, there was no basis for determining the applicant's compensation claim in the criminal proceedings.

5. The applicant complained under Article 5 § 1 of the Convention that he had been deprived of his liberty and, relying on Article 13, that his compensation claim had been left without review.

RELEVANT LEGAL FRAMEWORK

6. Article 92 of the Latvian Constitution (*Satversme*) provides, *inter alia*, that "everyone whose rights are violated without justification has the right to commensurate compensation".

7. The Administrative Procedure Law (*Administratīvā procesa likums*) provides for the right to challenge actions of a public authority before the administrative courts. It defines an action of a public authority (*faktiskā rīcība*) as an action within the sphere of public law which does not take the form of a legal act, and whose results have or might have infringed the rights

or legal interests of the individual concerned. An action of a public authority also includes any omission by a public authority, provided that the authority has an obligation under the law to take a specific action (section 89).

8. The Law on Police (*Likums par policiju*) provides that a police officer is liable for any unlawful actions in accordance with the procedures specified by law (section 27(1)). Section 27(6) provides that an action of a public authority taken by a police officer can be challenged within the framework of administrative proceedings.

THE COURT'S ASSESSMENT

A. Alleged violation of Article 5 § 1 of the Convention

9. The Government raised four objections. They submitted, *inter alia*, that the applicant's complaint fell outside the scope of Article 5 § 1 of the Convention, as he had not been deprived of his liberty. They further argued that he had failed to exhaust domestic remedies, in that he had neither sought a review of the lawfulness of the actions of State Police Officers J.P. and S.B. and Municipal Police Officer A.R., nor pursued a claim for compensation in respect of those actions within the framework of administrative proceedings.

10. The applicant did not comment on the Government's objections as to the admissibility and reiterated his complaints.

11. The Court does not consider it necessary to determine whether the facts of the present case fall within the scope of application of Article 5 § 1 of the Convention, having regard to the considerations set out below concerning the exhaustion of domestic remedies.

12. The relevant principles as regards the subsidiary nature of the machinery of protection established by the Convention and the requirement to exhaust domestic remedies have been summarised in *Vučković and Others v. Serbia* ((preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-77, 25 March 2014) and, more recently, in *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* ([GC], no. 21881/20, §§ 138-46, 27 November 2023). The Court reiterates that where the deprivation of liberty has ended, a compensation claim capable of leading to an acknowledgement 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, *mutatis mutandis*, *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).

13. As the applicant lodged his application with the Court after the events during which he had allegedly been deprived of his liberty, the Court considers that a compensatory remedy could, in principle, be considered effective. In support of their argument that recourse to the administrative courts constituted an effective remedy in practice for challenging the

lawfulness of the actions taken by the police officers and for obtaining compensation, the Government submitted examples of domestic case-law (nos. SKA-517/2017, SKA-13/2009 (A42466905) and A420678410).

14. The Court finds that the case-law examples provided by the Government sufficiently demonstrate that individuals can challenge the lawfulness of actions taken by police officers before the administrative courts in relation to claims concerning deprivation of liberty occurring outside the context of any proceedings against those individuals. In particular, case no. A42466905 demonstrates that where a person has been deprived of liberty by police officers outside the context of any proceedings instituted against him or her, such conduct may be recognised as an unlawful action of a public authority (judgment of 8 May 2008 of the Administrative Regional Court, which was upheld in the relevant part by the Administrative Department of the Senate of the Supreme Court by judgment delivered on 13 February 2009 (SKA-13/2009)) and may give rise to an award of compensation (judgment of 22 July 2010 of the Administrative Regional Court). In that specific case, the complaint concerning the unlawfulness of the deprivation of liberty was examined on the merits by the administrative courts, and compensation was awarded.

15. Accordingly, the Court finds that the Government have sufficiently established the effectiveness and availability, both in theory and in practice, of a compensatory remedy under the Administrative Procedure Law for complaints concerning actions taken by police officers allegedly amounting to deprivation of liberty, where such actions took place outside the context of any administrative-offence or criminal proceedings against the individual concerned (compare and contrast *Timoļejevs v. Latvia* [Committee], no. 15062/21, § 10, 24 October 2024, where the Court did not accept the effectiveness of the proposed remedy because the case-law examples submitted by the Government did not correspond to the circumstances of that case).

16. The Court further notes that the applicant sought to obtain compensation in the criminal proceedings against two State police officers, as a victim in those proceedings. However, his claim was left without examination, as its admissibility was closely connected to the establishment of criminal guilt on the part of the police officers, who were ultimately acquitted (see paragraph 4 above). In this connection, the Court reiterates that criminal proceedings primarily serve to determine whether a criminal offence has been committed and to establish individual criminal responsibility. Accordingly, the domestic courts' examination of the applicant's compensation claim in the criminal proceedings against the police officers was dependent on their conviction. However, in the present case, the criminal courts found that it could not be established, to the requisite criminal standard of proof, namely "beyond reasonable doubt", that the police officers' actions had manifestly exceeded the limits of their authority and that they had acted

with direct criminal intent. By contrast, administrative proceedings provide a separate avenue capable of establishing the unlawfulness of impugned actions and, where appropriate, awarding compensation, irrespective of whether the elements of a criminal offence can be established to the high standard of proof required in criminal proceedings. The Court observes that those two avenues pursue different purposes and are not interchangeable in the circumstances of the present case. In view of the above, the Court cannot accept that the applicant's recourse to criminal proceedings exempted him from the requirement to exhaust the effective compensatory remedy available under the Administrative Procedure Law.

17. Having regard to the foregoing, the Court considers that the applicant was required to avail himself of the legal avenue of challenging the actions taken by the police officers and seeking compensation in administrative proceedings. The applicant has not established that he in fact pursued that remedy, that it was for some reason inadequate and ineffective in the particular circumstances, or that there existed special circumstances exempting him from this requirement (see *Vučković and Others*, cited above, § 75, and *Gherghina v. Romania* (dec.) [GC], no. 42219/07, § 89, 9 July 2015).

18. Against this background, and bearing in mind its subsidiary role, the Court finds that the applicant's complaint under Article 5 § 1 of the Convention should be rejected for non-exhaustion of domestic remedies, in accordance with Article 35 §§ 1 and 4 of the Convention.

B. Alleged violation of Article 5 § 5 of the Convention

19. As regards the applicant's complaint under Article 13 of the Convention, that his compensation claim within the criminal proceedings was left without review, it in substance falls to be considered under Article 5 § 5 of the Convention, which is a *lex specialis* in that regard (see *Tsirlis and Kouloumpas v. Greece*, 29 May 1997, § 73, *Reports of Judgments and Decisions* 1997-III). Having regard to its findings above, in particular paragraph 16, the Court considers that it is manifestly ill-founded within the meaning of Article 35 § 3 and must be declared inadmissible in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

TRĒGERS v. LATVIA DECISION

Done in English and notified in writing on 1 October 2026.

Liv Tigerstedt
Deputy Registrar

Erik Wennerström
President