

**Resolution ResDH(2004)104**  
**concerning the judgment of the European Court of Human Rights**  
**of 27 May 2004 (Friendly settlement)**  
**in the case of Gadliauskas against Lithuania**

*(Adopted by the Committee of Ministers on 22 December 2004  
at the 906th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11 (hereinafter referred to as “the Convention”),

Having regard to the final judgment of the European Court of Human Rights in the Gadliauskas case delivered on 27 May 2004 and transmitted the same day to the Committee of Ministers under Article 46 of the Convention;

Recalling that the case originated in an application (No. 62741/00) against Lithuania, lodged with the European Court of Human Rights on 20 October 2000 under Article 34 of the Convention by Mr Ramunas Gadliauskas, a Lithuanian national, and that the Court declared admissible the complaint relating to the excessive length of certain criminal proceedings ;

Whereas in its judgment of 27 May 2004 the Court, after having taken formal note of a friendly settlement reached by the Government of the respondent state and the applicant, and having been satisfied that the settlement was based on respect for human rights as defined in the Convention or its Protocols, decided unanimously to strike the case out of its list and took note of the fact that the proceedings instituted against the applicant have been discontinued by decision of 12 January 2004 and of the parties' undertaking not to request a re-hearing of the case before the Grand Chamber ;

Whereas under the above-mentioned friendly settlement it was agreed that the Government of Lithuania would pay the applicant the sum of 18 000 Lithuanian litai, i.e. 15 000 Lithuanian litai in respect of non-pecuniary and pecuniary damage and 3 000 Lithuanian litai in respect of costs and expenses ;

Recalling that Rule 43, paragraph 3, of the Rules of the Court (former Article 44, paragraph 2) provides that the striking out of a case which has been declared admissible shall be effected by means of a judgment which the President shall forward to the Committee of Ministers once it has become final in order to allow it to supervise, in accordance with Article 46, paragraph 2, of the Convention, the execution of any undertakings which may have been attached to the discontinuance, friendly settlement or solution of the matter;

Having regard to the Rules adopted by the Committee of Ministers concerning the application of Article 46, paragraph 2, of the Convention;

Having satisfied itself that on 30 June 2004 the Government of the respondent State had paid the applicant the sums provided for in the friendly settlement and that no other measure was required in the present case to comply with the Court's judgment;

Declares, after having examined the information supplied by the Government of Lithuania, that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case.