

## **Resolution CM/ResDH(2007)127<sup>1</sup>**

### **Execution of the judgments of the European Court of Human Rights Girdauskas against Lithuania Meilus against Lithuania Jakumas against Lithuania Kuvikas against Lithuania**

(Application No. 70661/01, judgment of 11/12/2003, final on 11/03/2004)  
(Application No. 53161/99, judgment of 06/11/2003, final on 06/02/2004)  
(Application No. 6924/02, judgment of 18/07/2006, final on 18/10/2006)  
(Application No. 21837/02, judgment of 27/06/2006, final on 23/10/2006)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”);

Having regard to the judgments transmitted by the Court to the Committee once they had become final;

Recalling that the violation of the Convention found by the Court in these cases concerns the excessive length of certain criminal proceedings (violations of Article 6, paragraph 1) (see details in Appendix);

Having invited the government of the respondent state to inform the Committee of the measures taken to comply with Lithuania's obligation under Article 46, paragraph 1, of the Convention to abide by the judgments;

Having examined the information provided by the government in accordance with the Committee's Rules for the application of Article 46, paragraph 2, of the Convention;

Having satisfied itself that, within the time-limit set, the respondent state paid the applicants the just satisfaction provided in the judgments (see details in Appendix),

Recalling that a finding of violations by the Court requires, over and above the payment of just satisfaction awarded in the judgments, the adoption by the respondent state, where appropriate, of

- individual measures to put an end to the violations and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- general measures preventing, similar violations;

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<sup>1</sup> *Adopted by the Committee of Ministers on 31 October 2007 at the 1007th meeting of the Ministers' Deputies*

DECLARES, having examined the measures taken by the respondent state (see Appendix), that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases and

DECIDES to close the examination of these cases.

## Appendix to Resolution CM/ResDH(2007)127

### Information about the measures to comply with the judgments in the cases of Girdauskas against Lithuania Meilus against Lithuania Jakumas against Lithuania Kuvikas against Lithuania

#### Introductory case summary

These cases concern the excessive length of certain criminal proceedings (violations of Article 6§1). In the Girdauskas case, the proceedings had been pending for more than eight years and five months for three levels of jurisdiction when the European Court gave its judgment. In the Meilus case, when the European Court delivered its judgment, the proceedings had been pending before the first-instance court for almost nine years, of which more than eight years and three months fell within the Court's jurisdiction. In the Jakumas case, the proceedings lasted for five years and seven months for three levels of jurisdiction (1995-2001). In the Kuvikas case, the proceedings lasted for six years and five months for three levels of jurisdiction (1995-2001).

#### I. Payments of just satisfaction and individual measures

##### a) Details of just satisfaction

Name and application number	Pecuniary damage	Non-pecuniary damage	Costs and expenses	Total
Girdauskas (70661/01)	-	4 000 EUR	4 000 EUR	<b>8 000 EUR</b>
<b>Paid on 06/04/2004</b>				
Meilus (53161/99)	-	5 000 EUR	5 000 EUR	<b>10 000 EUR</b>
<b>Paid on 24/12/2003</b>				
Jakumas (6924/02)	-	1 000 EUR	1 000 EUR	<b>2 000 EUR</b>
<b>Paid on 01/12/2006</b>				
Kuvikas (21837/02)	-	2 000 EUR	1 375 EUR	<b>3 375 EUR</b>
<b>Paid on 01/12/2006</b>				

##### b) Individual measures

In the Girdauskas case, the Supreme Court delivered its final decision in November 2003. In the Meilus case, the proceedings were completed in December 2004. In the Jakumas and Kuvikas cases, no individual measures were required.

#### II. General measures

The new Code of Criminal Procedure, which entered into force on 1 May 2003, provides stricter time-limits for completion of criminal cases and contains effective domestic remedies in cases when such proceedings are delayed (Articles 44§5, 176, 215 and 240). In particular, the new Code imposes a 6-month time-limit for pre-trial

investigation and, subsequently, a 20-day time-limit for referral of a case to a court for a first hearing. It also provides that upon complaint by a suspect alleging an excessively long pre-trial investigation, the investigating judge may compel the prosecutor to complete or discontinue the investigation.

Furthermore, in the Girdauskas case, the judgment of the European Court, translated into Lithuanian, has been sent to the Supreme Court, the Office of the Prosecutor General, the Kaunas Regional Court and the Kaunas City Court. In addition, the Girdauskas judgment has been published in Lithuanian translation in the annual compendium "*Europos žmogaus teisių teismo sprendimai ir Jungtinių Tautų Žmogaus teisių komiteto išvados bylose prieš Lietuvą 2003 01 01 - 2004 01 01*" ("Decisions and Judgments of the European Court of Human Rights and Views of the Human Rights Committee of the United Nations in the cases against Lithuania 01/01/2003-01/01/2004"). All other judgments have been published on the official Internet site of the Ministry of Justice ([www.tm.lt](http://www.tm.lt)).

### **III. Conclusions of the respondent state**

The government considers that the measures adopted will prevent new, similar violations and that Lithuania has thus complied with its obligations under Article 46, paragraph 1, of the Convention.