

Resolution ResDH(2004)59
concerning the judgment of the European Court of Human Rights
of 10 October 2000 (final on 10 January 2001)
in the case of Grauslys against Lithuania

*(Adopted by the Committee of Ministers on 12th October 2004
at the 897th 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 judgment of the European Court of Human Rights in the Grauslys case delivered on 10 October 2000 and transmitted to the Committee of Ministers once it had become final under Articles 44 and 46 of the Convention;

Recalling that the case originated in an application (No. 36743/97) against Lithuania, lodged with the European Commission of Human Rights on 2 April 1997 under former Article 25 of the Convention by Mr Algis Grauslys, a Lithuanian national, and that the Court, seised of the case under Article 5, paragraph 2, of Protocol No. 11, declared admissible the complaints that there had been no valid domestic decision or other lawful basis for the applicant's detention; that he had not been brought promptly before a judge or other officer; that he had been deprived of the right to challenge the lawfulness of his detention and that the length of the criminal proceedings against him had been excessive;

Whereas in its judgment of 10 October 2000 the Court unanimously:

- held that there had been a violation of Article 5, paragraph 1, of the Convention as regards the applicant's detention on remand from 9 October 1996 to 5 December 1996;
- held that there had been no violation of Article 5, paragraph 1, of the Convention as regards the applicant's detention on remand from 5 December 1996;
- held that there had been no violation of Article 5, paragraph 3, of the Convention as regards the alleged failure to bring the applicant promptly before a judge or other officer;
- held that there had been a violation of Article 5, paragraph 4, of the Convention;
- held that there had been a violation of Article 6, paragraph 1, of the Convention;
- held that the government of the respondent state was to pay the applicant, within three months from the date at which the judgment became final, 40 000 Lithuanian litai in respect of non-pecuniary damage; 20 000 Lithuanian litai in respect of costs and expenses, plus any value-added tax that may be chargeable, and that simple interest at an annual rate of 9.5% would be payable on those sums from the expiry of the above-mentioned three months until settlement;
- dismissed the remainder of the applicant's claim for just satisfaction;

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

Having invited the government of the respondent state to inform it of the measures which had been taken in consequence of the judgment of 10 October 2000, having regard to Lithuania's obligation under Article 46, paragraph 1, of the Convention to abide by it;

Whereas during the examination of the case by the Committee of Ministers, the government of the respondent state submitted information indicating that the impugned proceedings had made rapid progress after the Court's judgment and recalled that general measures had already been taken to avoid new violations similar to those found in this case, first by amending the law to provide that preventive detention may only be ordered by a judge on certain grounds set out exhaustively in the law (see Resolution ResDH(2004)56 in the case of Jėčius), and secondly by lifting the prohibition on appeals against first-instance court decisions imposing, modifying or revoking detention on remand (see Resolution ResDH(2004)42 in the case of Graužinis);

Whereas the government of the respondent state also indicated that the Court's judgment had been sent out to the authorities directly concerned and published in Lithuanian in the annual compendium "Europos žmogaus teisių teismo sprendimai bylose prieš Lietuvos Respubliką 1997/01/01 – 2001/01/01" ("The reports of the European Commission of Human Rights and the judgments of the European Court of Human Rights against the Republic of Lithuania 01.01.1997 – 01.01.2001");

Having satisfied itself that on 31 October 2000, within the time-limit set, the government of the respondent state had paid the applicant the sums provided for in the judgment of 10 October 2000,

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.