

Resolution CM/ResDH(2009)154¹

Execution of the judgment of the European Court of Human Rights Kambangu against Lithuania

(Application No. 59619/00, judgment of 19/07/2007, friendly settlement)

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 judgment in this case, transmitted by the Court to the Committee once it had become final;

Recalling that the applicant's admissible complaints in this case concerned his unlawful deprivation of liberty during his stay in the Aliens Registration Centre and lack of an effective review in this respect (complaints under Article 5, paragraphs 1 and 4);

Whereas in this case the Court, having taken formal note of 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 this case out of its list and took note of the parties' undertaking not to request a re-hearing of the cases before the Grand Chamber;

Whereas under this friendly settlement it was agreed that the government of the respondent state would pay the applicant 10 000 EUR to cover pecuniary and non-pecuniary damage as well as costs and expenses, within three months as from the notification of the judgment;

Recalling that the striking-out of a case which has been declared admissible is effected by means of a judgment which the Court forwards 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 invited the government of the respondent state to inform the Committee of the measures taken to comply with its obligation under Article 46, paragraph 1, of the Convention to abide by the judgment;

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 on 14/09/2007, within the time-limit agreed under the terms of the friendly settlement, the government of the respondent state paid the

¹ Adopted by the Committee of Ministers on 3 December 2009 at the 1072nd meeting of the Ministers' Deputies

applicant the sums provided in the friendly settlement and that no other measure was required in these cases to comply with the Court's judgment;

Having examined the information supplied by the government of Lithuania,

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention with respect to the commitments subscribed to in these cases and DECIDES to close their examination.