

**Resolution ResDH(2004)60**  
**concerning the judgment of the European Court of Human Rights**  
**of 21 March 2002 (final on 21 June 2002)**  
**in the case of Stašaitis 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 Stašaitis case delivered on 21 March 2002 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. 47679/99) against Lithuania, lodged with the European Commission of Human Rights on 24 June 1998 under former Article 25 of the Convention by Mr Arvydas Stašaitis, 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 the length of his detention had been excessive and that he had been deprived of the right to challenge before a judge the lawfulness of his detention;

Whereas in its judgment of 21 March 2002 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 21 September 1996 to 3 January 1997, from 23 September 1997 to 15 October 1998, and from 30 September 1999 to 8 February 2000;

- held there had been a violation of Article 5, paragraph 3, of the Convention as regards the length of the applicant's detention;

- held there had been a violation of Article 5, paragraph 4, 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, 21 700 euros in respect of non-pecuniary damage; 8 700 euros in respect of costs and expenses, plus any value-added tax that may be chargeable, and that simple interest at an annual rate of 6.92% 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 21 March 2002, 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 recalled that measures had already been taken to avoid new violations of the same kind as those found in this case (see ResDH(2004)56 in the case Jėčius against Lithuania), in particular through the entry into force, on 1 May 2003, of the new Code of Criminal Procedure, the relevant provisions of which set out an exhaustive list of specific grounds, requirements and time-limits to be met while imposing or extending detention on remand; and, in particular, that under Article 130 of the new Code, complaints challenging the lawfulness of detention on remand, filed by the detained person or his defence counsel, have to be examined in a public hearing, to which the arrested person and his/her defence counsel have to be summoned;

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 Lietuvą 2002/01/01 – 2003/01/01" ("Decisions and Judgments of the European Court of Human Rights against Lithuania 01/01/2002 – 01/01/2003");

Having satisfied itself that on 10 June 2002, within the time-limit set, the government of the respondent state had paid the applicant the sums provided for in the judgment of 21 March 2002;

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.