



COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

THIRD SECTION

CASE OF RAIŠELIS v. LITHUANIA

(Application no. 37195/97)

JUDGMENT

STRASBOURG

29 February 2000

In the case of RAIŠELIS v. LITHUANIA,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Sir Nicolas BRATZA, *President*,
Mr J.-P. COSTA,
Mr L. LOUCAIDES,
Mr P. KŪRIS,
Mrs F. TULKENS,
Mr K. JUNGWIERT,
Mrs H.S. GREVE, *Judges*,
and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 8 February 2000,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 37195/97) against Lithuania lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Lithuanian citizen, Mr Sigitas Raišelis (“the applicant”), on 17 July 1997. The applicant is represented by Mr Kęstutis Stungys, a lawyer practising in Vilnius. The Lithuanian Government are represented by their Agent, Mr Gintaras Švedas, the Deputy Minister of Justice.

2. The applicant complained under Article 5 §§ 1, 2 and 3 of the Convention about the lawfulness of his preventive detention, the failure of the authorities to inform him about the reasons for that detention and their failure to bring him promptly before a judge or other officer. On 1 July 1998 the Commission (Second Chamber) decided to give notice of the application to the respondent Government and invited them to submit their observations on its admissibility and merits. The Government submitted their observations on 26 September 1998, to which the applicant replied on 27 November 1998.

3. After the entry into force of Protocol No. 11 on 1 November 1998 and in accordance with the provisions of Article 5 § 2 thereof, the case fell to be examined by the Court. On 2 March 1999 the Court declared the application admissible.

4. On 1 December 1999, after an exchange of correspondence, the Section Registrar invited the parties to consider a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 8 December 1999 the applicant’s representative and the Agent of the Government submitted a formal declaration accepting a friendly settlement of the case.

AS TO THE FACTS

5. The applicant was arrested on 16 June 1997 under the preventive detention rule (*prevencinis sulaikymas*) laid down in former Article 50-1 of the Code of Criminal Procedure. In the preventive detention order against the applicant it was stated that his custody was warranted as he might “commit a dangerous act” of banditism, criminal association, or terrorising a person. On 19 June 1997 the applicant appealed against his preventive detention, stating *inter alia* that it was in breach of Article 5 of the Convention. On 23 June 1997 a judge of the Panevėžys Regional Court dismissed the appeal. The above decision was final. The applicant was released from custody on 30 June 1997 as the preventive detention rule ceased to exist. No criminal investigation was commenced against him thereafter.

AS TO THE LAW

6. On 5 January 2000 the Court received the following declaration signed by both the applicant’s representative and the Agent of the Government:

“In connection with the application introduced under the European Convention of Human Rights by Mr Sigitas Raišelis against Lithuania and registered under the file no. 37195/97, the parties;

Having regard to the assistance of the European Court of Human Rights under Article 38 § 1 (b) of the European Convention of Human Rights;

Declare as follows:

1. The Lithuanian Government will pay 12,000 (twelve thousand) Lithuanian litai (LTL) in respect of all potential damages and costs incurred by the applicant as a result of his preventive detention and the Convention proceedings. The above sum will be paid to the applicant’s representative, Mr Kęstutis Stungys in Vilnius.

2. The applicant declares the above application to be settled and waives any further complaints against Lithuania in relation to the above application.”

7. The Court takes note of the agreement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

9. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English and notified in writing on 29 February 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. Dollé
Registrar

N. Bratza
President