



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

THIRD SECTION

CASE OF GADLIAUSKAS v. LITHUANIA

(Application no. 62741/00)

JUDGMENT
(friendly settlement)

STRASBOURG

27 May 2004

This judgment is final but it may be subject to editorial revision.

In the case of Gadliauskas v. Lithuania,

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

Mr G. RESS, *President*,
Mr I. CABRAL BARRETO,
Mr L. CAFLISCH,
Mr P. KŪRIS,
Mr R. TÜRMEŃ,
Mr J. HEDIGAN,
Mrs H.S. GREVE, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having deliberated in private on 6 May 2007,

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

PROCEDURE

1. The case originated in an application (no. 62741/00) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Lithuanian national, Mr Ramunas Gadliauskas (“the applicant”), on 20 October 2000.

2. The applicant was represented by Mr R. Andrikis, a lawyer practising in Vilnius. The Lithuanian Government (“the Government”) were represented by their Agent, Mrs D. Jočienė, of the Ministry of Justice.

3. The applicant complained under Article 6 § 1 of the Convention about the length of criminal proceedings.

4. On 16 October 2003 the Court declared the application admissible.

5. On 22 October 2003, after an exchange of correspondence, the Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 27 February 2004 the applicant and the Government submitted a declaration accepting a friendly settlement of the case, received by the Court on 9 March 2004.

THE FACTS AND COMPLAINTS

6. The applicant was born in 1965 and lives in Šiauliai.

7. He complained about the length of criminal proceedings for blackmail which had been pending since 1996.

THE LAW

8. On 9 March 2004 the Court received a declaration of the parties, signed by the Agent of the Government and the applicant's representative. The declaration reads, insofar as relevant, as follows (translation):

“With regard to the application introduced to the European Court of Human Rights ... [by] Mr Ramūnas Gadliauskas, the parties ...

Declare:

1. The Government of the Republic of Lithuania, while expressing respect for human rights and fundamental freedoms, and the [applicant] ... have reached a friendly settlement pursuant to Article 38 § 1 (b) of the Convention.

2. The Government of the Republic of Lithuania shall pay the applicant ... *ex gratia* 15,000 (fifteen thousand) Lithuanian litai to cover any pecuniary and non-pecuniary damage, and 3,000 litai to cover costs of legal representation in relation to the above application.

3. [The parties] declare ... a final resolution of the application. The applicant states that he waives any further claims and complaints against Lithuania in relation to the above application.

4. [The parties] state at the same time that they will not request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention

The Government also note ... that the pre-trial investigation in [the applicant's] case was discontinued by decision of 12 January 2004 ... “

9. The Court takes note of the agreement reached between the parties (Article 39 of Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 27 May 2004, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER
Registrar

Georg RESS
President