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

FIRST SECTION

DECISION

Application no. 34894/22
Jean Luc DUMORTIER
against Montenegro
(see appended table)

The European Court of Human Rights (First Section), sitting on 13 March 2025 as a Committee composed of:

Georgios A. Serghides, *President,*
Frédéric Krenc,
Alain Chablais, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 12 July 2022,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant's widow's reply to this declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr C. Meyer, a lawyer practising in Strasbourg. The applicant died on 5 June 2024. The Government accepted his widow, Mrs Myriam Balken, as his legal heir.

The applicant's complaint under Article 6 § 1 of the Convention concerning the freezing of his assets at the request of Swiss authorities were communicated to the Montenegrin Government ("the Government").

The Government submitted a declaration with a view to resolving the issues raised by that complaint. They further requested the Court to strike out the application.

The Government acknowledged a violation of the applicant's right to a fair trial. They offered to pay to the applicant's widow the amounts detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be payable within three months from the date of notification of the

Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the case.

The applicant's widow informed the Court that she agreed to the terms of the declaration.

THE LAW

The Court takes note of the death of the applicant and of the wish of his widow to pursue the proceedings. The Court reiterates that where an applicant dies during the examination of a case, his or her heirs may in principle pursue the application on his or her behalf (see *Ječius v. Lithuania*, no. 34578/97, § 41, ECHR 2000-IX; *Shiryayeva v. Russia*, no. 21417/04, §§ 8-9, 13 July 2006; and *Horváthová v. Slovakia*, no. 74456/01, § 26, 17 May 2005). Nothing suggests that the rights the applicant sought to protect through the Convention mechanism were eminently personal and non-transferable (see *Malhous v. the Czech Republic* [GC], no. 33071/96, § 1, 12 July 2001). The Government did not contend that Mrs Balken had no standing to pursue the case. Therefore, the Court considers that the applicant's widow has a legitimate interest in pursuing the application.

The Court further finds that, following the applicant's widow's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties.

It therefore takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify the continued examination of the application.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides that Mrs Myriam Balken has standing to continue the proceedings in her late husband's stead;

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 3 April 2025.

Viktoriya Maradudina Acting Deputy Registrar	Georgios A. Serghides President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for non-pecuniary damage (in euros)[1]	Amount awarded for costs and expenses (in euros)[2]
34894/22 12/07/2022	**Jean Luc DUMORTIER** 1952 Date of death: 05/06/2024 Pursued by heir: **Myriam BALKEN** 1968	Meyer Christophe Strasbourg	14/01/2025	23/01/2025	3,150	500

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.