

## Resolution CM/ResDH(2007)54<sup>1</sup>

### Execution of the judgment of the European Court of Human Rights Farbtuhs against Latvia

(Application No. 4672/02, judgment of 2 December 2004, final on 6 June 2005)

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 referred to as “the Convention” and “the Court”),

Having regard to the judgment transmitted by the Court to the Committee once it had become final;

Recalling that the violation of the Convention found by the Court in this case concerns the continued detention of a convicted prisoner despite his advanced age, severe infirmity and poor health (violation of Article 3), (see details in Appendix);

Having invited the government of the respondent state to inform the Committee of the measures taken in order to comply with Latvia's 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, within the time-limit set, the respondent state paid the applicant the just satisfaction provided in the judgment (see details in Appendix),

Recalling that a finding of violation by the Court requires, over and above the payment of just satisfaction awarded in the judgment, the adoption by the respondent state, where appropriate, of

- individual measures to put an end to the violations and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- general measures preventing similar violations;

Having examined the measures taken by the respondent state to that effect, the details of which appear in the Appendix,

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case and DECIDES to close the examination of this case.

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<sup>1</sup> Adopted by the Committee of Ministers on 20 April 2007 at the 992nd meeting of the Ministers' Deputies

## Appendix to Resolution CM/ResDH(2007)54

### Information about the measures taken to comply with the judgment in the case of Farbtuhs against Latvia

#### Introductory case summary

The case concerns degrading treatment suffered by the applicant due to his prolonged imprisonment despite his advanced age (84 years), severe infirmity and poor health (violation of Article 3). He was imprisoned in June 2000, after being sentenced to 5 years' imprisonment for crimes against humanity and genocide as a result of his responsibility for the deportation and death of several dozen Latvians during the Stalin period. Despite the prison governor's application in February 2001 for the applicant's release on health grounds, supported by medical evidence, the courts only ordered his release on licence more than a year later.

#### I. Payment of just satisfaction and individual measures

##### a) Details of just satisfaction

<i>Pecuniary damage</i>	<i>Non-pecuniary damage</i>	<i>Costs and expenses</i>	<i>Total</i>
-	5 000 €	1 000 €	6 000 €
<i>Paid on 14 July 2005</i>			

##### b) Individual measures

The applicant was released on 13 March 2002. Thus no individual measure appears to be necessary in this case.

#### II. General measures

According to the Latvian authorities, this case does not reveal a structural problem and, consequently, should be seen as an isolated case not requiring the adoption of specific general measures. However, to avoid the possible risk of new, similar violations, the judgment of the European Court has been translated into Latvian and sent out to the relevant institutions. The translated judgment was published in the official gazette *Latvijas Vestnesis*, No. 53(3211) of 5 April 2005 and is also available on the internet site of the journal [www.vestnesis.lv](http://www.vestnesis.lv) <<http://www.vestnesis.lv>>, as well as on the site of the Government Agent [www.mkparstavis.am.gov.lv](http://www.mkparstavis.am.gov.lv) <<http://www.mkparstavis.am.gov.lv>>. Furthermore, human rights protection in places of detention forms part of the curriculum of judges' and prosecutors' training since 2003.

Several examples, showing that domestic case-law effectively takes into account the judgments of the European Court, concerning in particular Articles 6 and 10 of the Convention, have been provided in order to confirm the efficiency of the adopted measures.

### **III. Conclusions of the respondent state**

The government considers that the measures adopted have fully remedied the consequences for the applicant of the violation of the Convention found by the European Court in this case, that these measures will prevent new similar violations and that Latvia has thus complied with its obligations under Article 46 paragraph 1, of the Convention.