



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

SECOND SECTION

DECISION

Application no. 62907/16
Rinaldo MYRTAJ and others
against Albania

The European Court of Human Rights (Second Section), sitting on 5 March 2019 as a Committee composed of:

Valeriu Grițco, *President*,

Ivana Jelić,

Darian Pavli, *judges*,

and Hasan Bakırcı, *Deputy Section Registrar*,

Having regard to the above application lodged on 25 October 2016,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

A list of the applicants is set out in the appendix.

The Albanian Government (“the Government”) were represented by their then Agent, Ms A. Hicka, of the State Advocate’s Office.

The applicants complained under Article 2 of the Convention that their family members’ right to life was breached as a consequence of the actions of the National Guard during the protest which took place on 21 January 2011. They also complained that use of lethal force was not absolutely necessary and that the authorities failed to conduct an effective investigation into the death of their family members.

The application was communicated to the Government on 20 November 2017.

On 30 July 2018 and on 14 December 2018 the Court received friendly settlement declarations signed by all the parties.

The Declaration reads as follows:

“The applicants agreed to waive any further claims against Albania in respect of the facts giving rise to this application against an undertaking by the Government to pay them:

Rinaldo Myrtaj, EUR 39,000 (thirty-nine thousand euros)

Mamude Myrtaj EUR 39,000 (thirty-nine thousand euros)

Ilmi Deda EUR 15,600 (fifteen thousand six hundred euros)

Alma Rredhi EUR 10,000 (ten thousand euros).

to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be into the local currency at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, 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 Government further accepts that the investigation carried out into the circumstances surrounding the death of the applicants’ relatives was not compatible with Article 2 of the Convention and that these matters were not addressed in the above mentioned criminal proceedings that were held.

The Government furthermore undertakes to reopen the domestic criminal proceedings in this case in view of the including the victims’ next of kin in these proceedings.”

THE LAW

The Court 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 its Protocols and finds no reasons to justify a 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 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 28 March 2019.

Hasan Bakirci
Deputy Registrar

Valeriu Grițco
President

APPENDIX

No.	Firstname LASTNAME	Birth year	Nationality	Place of residence	Representative
1	Rinaldo MYRTAJ	1986	Albanian	Fier	D. Matlija
2	Ilmi DEDA	1976	Albanian	Tirana	D. Matlija
3	Zabit DEDA* ¹	1970	Albanian	TIRANA	D. Matlija
4	Mamude MYRTAJ	1963	Albanian	Fier	D. Matlija
5	Alma RREDHI	1975	Albanian	Fier	D. Matlija
6	Ana VEIZI*	1999	Albanian	Fier	D. Matlija
7	Klajdi VEIZI*	1996	Albanian	Fier	D. Matlija

1. Complaints in respect of the applicants indicated by an asterisk were rejected as inadmissible for being essentially the same with those in the application no. 16191/13.