



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

FIRST SECTION

DECISION

Application no. 16191/13
Ana VEIZI and others
against Albania

The European Court of Human Rights, sitting on 28 March 2017 as a Committee composed of:

Aleš Pejchal, *President*,

Ledi Bianku,

Jovan Ilievski, *judges*,

and Renata Degener, *Deputy Section Registrar*,

Having regard to the above application lodged on 5 December 2012,

Having regard to the declaration submitted by the respondent Government on 23 December 2016 requesting the Court to strike the application out of the list of cases and the applicants' reply to that declaration,

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 Agent, Ms A. Hicka of the State Advocate's Office.

The application concerned the alleged lack of an effective investigation into the death of the applicants' family members during a protest that took place on 21 January 2011. The applicants complained under Articles 2 and 13 of the Convention that they were denied access to the investigation file. They further complained under Article 6 of the Convention about a breach of their right to access to a court on account of the Tirana District Court's refusal to examine their civil claim for damages, which was introduced in the course of the main set of criminal proceedings against co-accused, because of their inability to pay the court fees in full.

The application was communicated to the Government.

After initially unsuccessful friendly-settlement negotiations, by letter dated 23 December 2016, the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application. They further requested the Court to strike the application out of the Court's list of cases in accordance with Article 37 of the Convention.

The declaration, which was dated 23 December 2016, reads as follows:

“The Government regrets the death of the applicants' father and brothers in the protest of 21 January 2011. The parties acknowledge that the compensation, including pecuniary and non-pecuniary damages, in connection with this death, will be addressed by the domestic courts.

The Government further accepts that the investigation carried out into the circumstances surrounding the death of the applicants' brothers was not compatible with Articles 2, 13 and 6 of the Convention, and that these matters were not addressed in the above-mentioned domestic criminal proceedings that were held.

The Government furthermore undertakes to reopen the domestic criminal proceedings in this case in view of including the victim's next of kin, in those proceedings.

The Government is prepared to pay as just satisfaction to:

Ana Veizi, EUR 39,000 (thirty-nine thousand euros),

Klajdi Veizi, EUR 39,000 (thirty-nine thousand euros),

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

Çaush Veizi, EUR 15,600 (fifteen thousand six hundred euros),

with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, and any other claims in connection to this event, to cover any and all pecuniary and non-pecuniary damage, and EUR 4,000 (four thousand euros) to cover any and all costs and expenses, plus any tax that may be chargeable to the applicants.

These sums will be converted 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 to strike the case out of its list of cases. From the expiry of the aforementioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

This declaration is without prejudice to the applicants' right to redress the European Court of Human Rights, according to its rules, in case the Government doesn't fulfill the obligations undertaken on this declaration.”

On the same day the Government also submitted another declaration duly signed by the applicants' representative, dated 13 December 2016, which reiterated the same terms as those expressed by the Government in their unilateral declaration. The applicants' representative declared the following:

“I, D. Matlija, note that the Government of Albania is prepared to accept the following declaration (...)

Having consulted the applicants, I would inform you that they accept the proposal and waive any further claims in respect of the facts giving rise to this application. They declare that this constitutes a final resolution of the case.”

On 13 January 2017 the Court’s Registry received a letter from the applicants informing the Court that they had agreed to the terms of the Government’s declaration.

THE LAW

The Court finds that following the applicants’ 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 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 pursuant to Article 39 of the Convention.

Done in English and notified in writing on 20 April 2017.

Renata Degener
Deputy Registrar

Aleš Pejchal
President

APPENDIX

1. Ana VEIZI born on 10/12/1999 is an Albanian national who was born in 1999, lives in Fier and represented by D. Matlija
2. Zabit DEDA born on 01/05/1970 is an Albanian national who was born in 1970, lives in Tirana and represented by D. Matlija
3. Caush VEIZI born on 03/07/1972 is an Albanian national who was born in 1972, lives in Gjirokaster and represented by D. Matlija
4. Klajdi VEIZI born on 01/10/1996 is an Albanian national who was born in 1996, lives in Fier and represented by D. Matlija