



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

FOURTH SECTION

CASE OF GRIGALIŪNIENĖ v. LITHUANIA

(Application no. 42322/09)

JUDGMENT
(Just satisfaction – striking out)

STRASBOURG

18 October 2016

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

In the case of Grigaliūnienė v. Lithuania,

The European Court of Human Rights (Fourth Section), sitting as a Committee composed of:

Nona Tsotsoria, *President*,

Krzysztof Wojtyczek,

Marko Bošnjak, *judges*,

and Andrea Tamietti, Deputy Section Registrar,

Having deliberated in private on 27 September 2016,

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

PROCEDURE

1. The case originated in an application (no. 42322/09) 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, Ms Violeta Grigaliūnienė (“the applicant”), on 13 July 2009.

2. In a judgment delivered on 23 February 2016 (“the principal judgment”), the Court held that there had been a breach of Article 1 of Protocol No. 1 to the Convention with respect to the extinguishment of the applicant’s title to a plot of land without adequate compensation (*Grigaliūnienė v. Lithuania*, no. 42322/09, §§ 34-42, 23 February 2016).

3. Under Article 41 of the Convention the applicant sought just satisfaction of 17,400 euros (EUR) in respect of pecuniary damage and EUR 23,200 in respect of non-pecuniary damage. She did not make any claims regarding costs and expenses.

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicant to submit, within three months, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (*ibid.*, point 3 of the operative provisions).

5. By a letter of 31 August 2016 the Government submitted to the Court a joint declaration signed by the applicant’s representative and the Agent of the Government of the Republic of Lithuania on 29 August 2016. The Government undertook to pay the applicant EUR 21,909.52 to cover pecuniary damage, EUR 5,500 to cover non-pecuniary damage and EUR 1,000 for reimbursement of legal costs and expenses. The parties agreed that the said sum would be free of any taxes and would be payable within three months from the date of the notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. 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

the settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The parties declared that the payment of the above sums constituted a final resolution of the case. The applicant declared that she waived any further claims or complaints against Lithuania in respect of the facts giving rise to the present application.

THE LAW

6. Following its principal judgment, the Court has been informed that a friendly settlement has been reached between the Government and the applicant with respect to the applicant's claims under Article 41 of the Convention.

7. Having regard to its terms, the Court finds the agreement equitable within the meaning of Rule 75 § 4 of the Rules of Court and considers that it is based on respect for human rights as defined in the Convention and its Protocols (Article 37 § 1 of the Convention and Rule 62 § 3 of the Rules of Court). Consequently, the Court takes formal note of the friendly settlement and considers it appropriate to strike the remainder of the case out of its list of cases.

8. In accordance with Rule 43 § 3 of the Rules of Court, the present judgment will be forwarded to the Committee of Ministers in order to allow the latter to supervise, in accordance with Article 46 § 2 of the Convention, the execution of the Government's undertakings.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

Decides to strike the remainder of the application out of its list of cases.

Done in English, and notified in writing on 18 October 2016, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti
Deputy Registrar

Nona Tsotsoria
President