



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

FORMER SECOND SECTION

CASE OF PYRANTIENĖ v. LITHUANIA

(Application no. 45092/07)

JUDGMENT

(Just satisfaction – friendly settlement)

STRASBOURG

27 January 2015

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

In the case of Pyrantienė v. Lithuania,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Guido Raimondi, *President*,

Işıl Karakaş,

Dragoljub Popović,

András Sajó,

Nebojša Vučinić,

Paulo Pinto de Albuquerque,

Egidijus Kūris, *judges*,

and Stanley Naismith, Section Registrar,

Having deliberated in private on 16 December 2014,

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

PROCEDURE

1. The case originated in an application (no. 45092/07) 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 Kotrina Pyrantienė (“the applicant”), on 11 October 2007.

2. In a judgment delivered on 12 November 2013 (“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 extinguishment of the applicant’s title to a plot of land by a decision of the domestic court and a lack of adequate compensation therefor (*Pyrantienė v. Lithuania*, no. 45092/07, §§ 68-73, 12 November 2013).

3. Under Article 41 of the Convention the applicant sought just satisfaction of 112,500 Lithuanian litai (LTL, 32,580 euros (EUR)) for pecuniary damage and LTL 50,000 (EUR 14,480) for non-pecuniary damage. Relying on the expert’s report of September 2005, she submitted that the amount for pecuniary damage corresponded to the market value of the plot of land at the time of deprivation. The applicant further claimed EUR 524 for costs and expenses incurred before the Court.

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 six months, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach.

5. On 28 August 2014 the Court extended the deadline for the submission of the documents concerning the parties’ agreement with regard

to pecuniary and non-pecuniary damage and reimbursement of costs and expenses.

6. By a letter of 18 September 2014 the Government submitted to the Court the following declaration of friendly settlement of 18 September 2014 signed by both the applicant's representative and the Acting Agent of the Government of the Republic of Lithuania:

“1. The Government of the Republic of Lithuania, hereby expressing respect for human rights, and the applicant, K. Pyrantienė, conclude a friendly settlement in case *Pyrantienė v. Lithuania* (no. 45092/07).

2. The Government of the Republic of Lithuania are prepared to pay the applicant, K. Pyrantienė, *ex gratia* a compensation in the amount of LTL 33,970 (thirty-three thousand nine hundred seventy) (EUR 9,706 (nine thousand seven hundred six) for pecuniary and non-pecuniary damage and legal costs and expenses. The said sum will be free of any taxes and will 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 undertake 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.

3. The applicant, K. Pyrantienė, and the Government of the Republic of Lithuania declare that the conclusion of this Declaration constitutes a final resolution of the case *Pyrantienė v. Lithuania* (no. 45092/07) before the European Court of Human Rights. The applicant, K. Pyrantienė, declares that she waives any further claims or complaints against Lithuania in respect of the facts giving rise to this application.”

THE LAW

7. As it was indicated above, 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 latter's claims under Article 41 of the Convention.

8. Having regard to its terms, the Court finds the agreement equitable within the meaning of Rule 75 § 4 of the Rules of Court and that it is based on respect for human rights as defined in the Convention or its Protocols (Article 39 § 1 of the Convention and Rule 62 § 3 of the Rules of Court). Consequently, it takes formal note of the agreement and considers it appropriate to strike the remainder of the case out of the list pursuant to that provision.

9. 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 27 January 2015, pursuant to
Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith
Registrar

Guido Raimondi
President