



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

THIRD SECTION

**CASE OF SIAURUSEVIČIUS v. LITHUANIA**

*(Application no. 50551/99)*

JUDGMENT  
(Friendly settlement)

STRASBOURG

4 December 2003

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



**In the case of Siaurusevičius v. Lithuania,**

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

Mr G. RESS, *President*,

Mr I. CABRAL BARRETO,

Mr P. KŪRIS,

Mr B. ZUPANČIČ,

Mr J. HEDIGAN,

Mrs M. TSATSA-NIKOLOVSKA,

Mr K. TRAJA, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having deliberated in private on 13 November 2003,

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

**PROCEDURE**

1. The case originated in an application (no. 50551/99) 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, Vidmantas Siaurusevičius (“the applicant”), on 20 May 1999.

2. The applicant complained *inter alia* that he had been refused access to the Supreme Court in criminal proceedings for kidnapping, in breach of Article 6 of the Convention.

3. The applicant died on 18 November 2000. By letter of 17 January 2001 the applicant's widow, Mrs Asta Siaurusevičienė, expressed her wish to continue the proceedings in his stead.

4. The Lithuanian Government (“the Government”) were represented by their Agent, Mrs D. Jočienė.

5. On 30 May 2002 the Court decided that the applicant's widow could continue the proceedings in his stead. On the same date the Court declared the application partly admissible.

6. On 4 June 2002, after an exchange of correspondence, the Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention.

7. On 6 October 2003 the parties submitted a declaration of 3 October 2003, accepting a friendly settlement of the case. The Court received the declaration on 14 October 2003.

## THE LAW

8. On 14 October 2003 the Court received a declaration of the parties, dated 3 October 2003 and signed by the Agent of the Government and the applicant's widow. The declaration reads, insofar as relevant, as follows:

(Translation)

“In connection with the application introduced to the European Court of Human Rights ... by Mr Vidmantas Siaurusevičius, the parties ...

Declare:

1. The Government of the Republic of Lithuania, while recognising a violation of the European Convention on Human Rights in view of the deprivation of the applicant's right of access to a court within the meaning of Article 6 § 1 of the Convention ... [,] and the applicant's widow ... have reached a friendly settlement pursuant to Article 38 § 1 (b) of the Convention ... .

2. The Government of the Republic of Lithuania shall pay the applicant's widow ... *ex gratia* 15,000 (fifteen thousand) Lithuanian litai (LTL) which will cover any pecuniary and non-pecuniary damage, as well as costs of legal representation in relation to the above application.

3. [The parties] declare ... a final resolution of the application ... [,] and state that [they] will not request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention ... .

4. The applicant's [widow] ... states that she waives any further claims and complaints against Lithuania in relation to the above application.”

9. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

10. Accordingly, the case should be struck out of the list.

## FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 4 December 2003 , pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER  
Registrar

Georg RESS  
President