

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

FIRST SECTION

DECISION

Applications nos. 26885/10 and 26939/10
Vasiliki BOUSIOU against Greece
and Anna-Maria BOUSIOU and Aggeliki BOUSIOU against Greece

The European Court of Human Rights (First Section), sitting on 28 May 2013 as a Committee composed of:
Elisabeth Steiner, *President,*
Mirjana Lazarova Trajkovska,
Linos-Alexandre Sicilianos, *judges,*
and André Wampach, Deputy Section Registrar,
Having regard to the above applications lodged on 19 April 2010,
Having regard to the formal declarations accepting a friendly settlement of the cases,
Having deliberated, decides as follows:

PROCEDURE

The applicant in the first case, Ms Vasiliki Bousiou, is a Greek national, who was born in 1924 and lives in Chalandri.

The applicants in the second case, Ms Anna-Maria Bousiou and Ms Aggeliki Bousiou, are Greek nationals, who were born in 1958 and 1961 respectively and live in Chalandri.

The Greek Government ("the Government") were represented by their Agent, Mr F. Georgakopoulos, President of the Legal Council of the State.

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicants are co-owners of plots of land in Patras district.

On 29 December 2000 the applicants lodged actions with the Patras First Instance Administrative Court against the State, asking for compensation under Statute 105 of the Introductory Law to the Civil Code. They requested to be compensated for the illegal seizure of parts of their plots for the construction of a public road.

On 30 April 2007 their claims were partially accepted (judgments nos. 332/2007 and 333/2007).

On 14 November 2007 the State lodged appeals challenging the aforementioned decisions of the First Instance Administrative Court.

On 18 June 2009 the Patras Administrative Court of Appeal dismissed the appeals and upheld the First Instance court's decisions (judgments nos. 363/2009 and 364/2009).

On 18 December 2009 the State lodged appeals on points of law with the Supreme Administrative Court.

As it transpires from the case file the proceedings are still pending and no hearing dates have yet been set.

COMPLAINTS

The applicants complain under Articles 6 § 1 and 13 of the Convention about the length of the proceedings before the domestic courts and the lack of an effective remedy in this respect.

THE LAW

The Court considers that, in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given their common factual and legal background.

On 12 March 2012 the Court received the following declaration from the Government:

> "I, Fokion P. Georgakopoulos, Agent of the Greek Government, declare that the Government of Greece offer to pay *ex gratia* to Mrs Vasiliki Bousiou, Mrs Anna-Maria Bousiou and Mrs Angeliki Bousiou with a view to securing a friendly settlement of the above-mentioned cases pending before the European Court of Human Rights, 6,000 euros each to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicants.
>
> This sum will be payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on them, from 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 cases."

On 12 March 2012 the Court received the following declaration signed by the applicants:

"We, Vasiliki Bousiou, Anna-Maria Bousiou and Angeliki Bousiou, note that the Government of Greece are prepared to pay us *ex gratia*, with a view to securing a friendly settlement of the above-mentioned cases pending before the European Court of Human Rights, 6,000 euros each to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to us.

This sum will be payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

We accept the proposal and waive any further claims against Greece in respect of the facts giving rise to these applications. We declare that this constitutes a final resolution of the cases."

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 applications.

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court unanimously

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

André Wampach
Deputy Registrar

Elisabeth Steiner
President