

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

SECOND SECTION

CASE OF GIRDAUSKIENĖ v. LITHUANIA

(Application no. 54171/21)

JUDGMENT
(Revision)

STRASBOURG

27 May 2025

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



In the case of Girdauskienė v. Lithuania (request for revision of the judgment of 12 November 2024),

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

Lorraine Schembri Orland*, President*,
Frédéric Krenc,
Davor Derenčinović*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having deliberated in private on 6 May 2025,

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

PROCEDURE

1. The case originated in an application (no. 54171/21) 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 Stanislava Girdauskienė ("the applicant"), on 27 October 2021.

2. The application concerns the reimbursement of civil litigation costs. In a judgment delivered on 12 November 2024, the Court held that there had been a violation of Article 6 § 1 of the Convention on account of the distribution of the litigation costs by the Supreme Court, which had resulted in a restriction impairing the very essence of the applicant's right of access to a court. The Court also decided to award the applicant 8,500 euros (EUR), plus any tax that may be chargeable, in respect of pecuniary and non-pecuniary damage and dismissed the remainder of her claim for just satisfaction. The Court noted that the applicant had not submitted any claim in respect of costs and expenses and it therefore made no award under that head.

3. On 11 December 2024 the applicant's representative informed the Court that the applicant had in fact submitted a claim in respect of costs and expenses on 23 August 2023, together with her written observations. The representative asked the Court to rectify the error and to award the applicant EUR 3,449.75 under that head.

4. On 4 February 2025 the Court decided to deal with the request under Rule 80 of the Rules of Court and to communicate it to the Government, inviting them to submit observations within four weeks. Those observations were received on 7 March 2025.

THE LAW

I. THE REQUEST FOR REVISION

5. The applicant requested revision of the judgment of 12 November 2024 in so far as it concerned the Court's decision not to make any award in respect of costs and expenses. Referring to the claims she had submitted together with her observations in reply, she claimed EUR 3,300 for the legal expenses incurred in the proceedings before the Court and EUR 149.75 for the translation of her observations from Lithuanian into English. She provided copies of invoices and receipts showing that she had paid those amounts, respectively, to her representative and to a translation company.

6. In their observations of 7 March 2025 the Government did not challenge the applicant's request for revision. However, they submitted that the claim in respect of legal expenses should be rejected because the invoice for the legal services did not indicate the number of hours spent working on the case or the lawyer's hourly rate. They further submitted that the invoice for the translation services did not indicate what document had been translated, and moreover, according to his official CV, the applicant's representative spoke English, thus, the translation had not been necessary.

II. THE COURT'S ASSESSMENT

7. Rule 80 of the Rules of Court, in so far as relevant, provides:

> "1. A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court, within a period of six months after that party acquired knowledge of the fact, to revise that judgment. ..."

8. The Court observes that the applicant submitted a claim in respect of costs and expenses together with her written observations on 23 August 2023, within the deadline set by the Court. However, because of a clerical error, that claim was not included in the case-file. This had a decisive influence on the outcome of the judgment within the meaning of Rule 80 § 1 of the Rules of Court, namely, the Court's decision not to make an award in respect of costs and expenses. The Court further notes that this oversight, as a result of which the Court was not aware of the claim, could not reasonably have been known to the applicant prior to the delivery of the original judgment of 12 November 2024 (compare also *E.B. and Others v. Austria* (revision), nos. 31913/07 and 4 others, § 11, 14 June 2018). The applicant lodged her request for revision within a period of six months after that delivery, when she acquired knowledge of the oversight (Rule 80 § 1).

9. Accordingly, the Court considers that the judgment of 12 November 2024 should be revised pursuant to Rule 80 of the Rules of Court.

10. Having regard to the parties' observations and the documents in its possession, the Court awards the applicant EUR 3,300 for the legal expenses incurred in the proceedings before the Court, plus any tax that may be chargeable to the applicant. However, it finds that the applicant did not justify why it had been necessary for her observations to be prepared in Lithuanian and translated into English (see the Government's observations in paragraph 6 above). It therefore rejects that part of the claim (compare also *Tarvydas v. Lithuania*, no. 36098/19, § 63, 23 November 2021, and the case-law cited therein).

11. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to revise its judgment of 12 November 2024 in so far as it concerns the award to be made to the applicant in respect of costs and expenses;

2. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, EUR 3,300 (three thousand three hundred euros) in respect of costs and expenses, plus any tax that may be chargeable to the applicant;
   (b) that 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.

Done in English, and notified in writing on 27 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim Deputy Registrar	Lorraine Schembri Orland President