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

# THIRD SECTION

# DECISION

Application no. 127/18
Kriton KARSIKIS
against Greece
(see appended table)

The European Court of Human Rights (Third Section), sitting on 13 March 2025 as a Committee composed of:

Oddný Mjöll Arnardóttir*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 28 December 2017,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr I. Kapos, a lawyer practising in Athens.

The applicant's complaint under Article 6 of the Convention concerning the dismissal of his application on points of law following the enactment of a law that shortened the relevant deadlines, was communicated to the Greek Government ("the Government").

Following unsuccessful friendly-settlement negotiations, the Government by a letter of 13 October 2023, submitted a unilateral declaration with a view to resolving the issues raised by the application.

By a letter of 3 January 2024, the applicant's representative informed the Court that the applicant had died on 31 October 2023 and further informed the Court of the wish of the heirs to pursue the application in the applicant's stead. On 9 April 2024 the applicant's representative submitted the certificate of inheritance and the duly signed and completed authority forms for the heirs, whose names are indicated in the appended table.

The Government objected to the *locus standi* of the heirs to pursue the application.

On 2 July 2024 the Court decided that the heirs, whose names are indicated in the appended table, have standing to pursue the application in their deceased relative's stead and rejected the objection of the Government in that respect.

For practical reasons, reference will still be made to the initial applicant throughout the ensuing text.

## THE LAW

On 16 July 2024 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged that the dismissal, by judgment no. 1176/2017 of the Court of Cassation, of the applicant's appeal on points of law for being out-of-time due to the enactment of Law no. 4335/2015, had violated Article 6 § 1 of the Convention regarding the applicant's right of access to court. They offered to pay the applicant's heirs jointly the amount detailed in the appended table, covering any non-pecuniary damage, as well as costs and expenses, and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amount would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, from the 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 case.

The Government's unilateral declaration was sent to the applicant's heirs. The Court has not received a response.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the right of access to a court (see, for example, *Zubac*

*v. Croatia* [GC], no. 40160/12, §§ 76-99, 5 April 2018). It has no reasons to consider that the compensation offered by the Government constitutes inadequate or otherwise unreasonable redress for the violation of the applicant's Convention rights (see *Ryabkin and Volokitin v. Russia* (dec.), nos. 52166/08 and 8526/09, §§ 49-50, 28 June 2016, and *Igranov and Others v. Russia*, nos. 42399/13 and 8 others, § 24, 20 March 2018, and, for a similar approach, *Antovski and Others v. North Macedonia* (dec.) [Committee], no. 68160/17, 8 December 2022).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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

For these reasons, the Court, unanimously,

*Takes note* of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

*Decides* to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 3 April 2025.

| | |
|---|---|
| Viktoriya Maradudina<br>Acting Deputy Registrar | Oddný Mjöll Arnardóttir<br>President |

# APPENDIX

## Application raising complaints under Article 6 § 1 of the Convention (right of access to a court)

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Date of receipt of Government's declaration | Amount awarded for non-pecuniary damage and costs and expenses to the heirs jointly (in euros)[1] |
|---|---|---|---|---|
| 127/18<br>28/12/2017 | **Kriton KARSIKIS**<br>1946<br>Died in 2023<br><br>Heirs:<br>**Christina Karsiki**<br>**Andriani Vasilakou**<br>**Eleni Karsiki**<br>**Theodora Karsiki**<br>**Iason Karsikis** | Kapos Ioannis<br>Athens | 16/07/2024 | 7,000 |

[1] Plus any tax that may be chargeable to the applicant party