



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

THIRD SECTION

DECISION

Application no. 8213/06
by Flora ARAKELYAN
against Armenia

The European Court of Human Rights (Third Section), sitting on 16 March 2010 as a Chamber composed of:

Josep Casadevall, *President*,

Elisabet Fura,

Boštjan M. Zupančič,

Alvina Gyulumyan,

Ineta Ziemele,

Luis López Guerra,

Ann Power, *judges*,

and Santiago Quesada, *Section Registrar*,

Having regard to the above application lodged on 3 February 2006,

Having regard to the formal declarations accepting a friendly settlement of the case.

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Flora Arakelyan, is an Armenian national who was born in 1924 and lives in Yerevan. She was represented before the Court by Mr N. Baghdasaryan, a lawyer practising in Yerevan. The respondent Government were represented by their Agent, Mr G. Kostanyan, Representative of the Republic of Armenia at the European Court of Human Rights.

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

The applicant owned a house measuring 379 sq. m., with an auxiliary construction measuring 27 sq. m. and a garage measuring 17.1 sq. m., situated at 72 Arami Street, Yerevan. It appears that the applicant also owned the underlying plot of land measuring 826 sq. m.

On 1 August 2002 the Government adopted Decree no. 1151-N, approving the expropriation zones of the real estate situated within the administrative boundaries of the Kentron District of Yerevan to be taken for State needs, having a total area of 345,000 sq. m. Arami Street was listed as one of the streets falling within these expropriation zones.

It appears that the market value of the applicant's house, including the auxiliary construction and the garage, was found to be 132,700 United States dollars (USD), while the plot of land was valued at USD 330,000. It further appears that these sums, minus 10% income tax, were offered to the applicant as compensation, which she refused.

On an unspecified date Gapbnakshin Ltd, a private company acting on behalf of the State, instituted proceedings against the applicant, seeking to oblige her to accept the offer and to have her evicted.

On 27 May 2005 the Kentron and Nork-Marash District Court of Yerevan (*Երևան քաղաքի Կենտրոն և Նորք-Մարաշ համայնքների անսոցիալ ատյանի դատարան*) granted the claim, ordering the applicant to sign an agreement for the total amount of USD 416,430 and that she be evicted.

On an unspecified date the applicant lodged an appeal.

On 22 August 2005 the Civil Court of Appeal (*ՀՀ քաղաքացիական գործերով վերաքննիչ դատարան*) decided to uphold the judgment of the District Court.

On 2 September 2005 the applicant lodged an appeal on points of law.

On 7 October 2005 the Court of Cassation (*ՀՀ վճարելի դատարան*) dismissed the applicant's appeal.

COMPLAINT

The applicant complained under Article 1 of Protocol No. 1 that the deprivation of her property was not effected on conditions provided for by law.

THE LAW

On 15 June 2009 the case was communicated to the Government.

On 18 September 2009 the parties signed a friendly settlement agreement on the following terms:

“The Government undertakes *ex gratia*, additionally to give the applicant two parking spaces (measuring 20 sq. m. each) in [the underground car park] of a sixteen-floor apartment building currently under construction and located at Arami 72-80, not later than by [30 March 2010], as well as to replace the applicant’s area measuring 105 (one hundred and five) sq. m. and located on the 10th floor of a ten-floor building currently under construction, situated at Yekmalyan 1-3, with an area measuring 105 (one hundred and five) sq. m. located on the 10th floor of a sixteen-floor building currently under construction, situated at Arami 72-80, not later than by [30 March 2010].

The applicant declares that the above proposal once received by her shall constitute the final and full settlement of all her claims against the Republic of Armenia under her application before the Court.

The applicant waives any further claims against the Government of Armenia relating to the present application.”

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 public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, the case should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Santiago Quesada
Registrar

Josep Casadevall
President