



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

THIRD SECTION

**CASE OF JANEVA v. THE FORMER YUGOSLAV REPUBLIC OF
MACEDONIA**

(Application no. 58185/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

3 October 2002

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

In the case of Janeva v. the Former Yugoslav Republic of Macedonia,

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

Mr G. RESS, *President*,
Mr I. CABRAL BARRETO,
Mr P. KÜRIS,
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 12 September 2002,

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

PROCEDURE

1. The case originated in an application (no. 58185/00) against the Former Yugoslav Republic of Macedonia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Macedonian national, Ms Sofka Janeva (“the applicant”), on 9 February 2000.

2. The applicant was represented by Mr Trajce Torov, a lawyer practising in Stip. The Macedonian Government (“the Government”) were represented by their Agent, Ms Radica Lazarevska-Gerovska.

3. The applicant complained under Article 6 § 1 of the Convention about the length and fairness of a set of civil proceedings.

4. On 16 November 2000 the Court (Second Section), by its partial decision, declared the applicant's complaint in respect of the fairness of the proceedings inadmissible.

5. On 23 October 2001, after obtaining the parties' observations, the Court declared the application admissible in so far as the complaint about the excessive length of the proceedings is concerned.

6. On 1 November 2001 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed Third Section.

7. On 26 October 2001, 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. On 4 and 17 April 2002 the applicant and the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

8. The applicant was born and lives in Štip (the Former Yugoslav Republic of Macedonia).

9. On 30 December 1991 the applicant's husband instituted civil proceedings with the Štip Labour Court challenging his dismissal from work.

10. On 27 May 1997 the applicant resumed the proceedings following her husband's death.

11. During the period which falls within the Court's competence *ratione temporis* the case was heard at two instances, and is currently pending before the Supreme Court.

THE LAW

12. On 17 April 2002 the Court received the following declaration from the Agent of the Government:

“I declare that, with a view to securing a friendly settlement of the above-mentioned case, the Government of the Former Yugoslav Republic of Macedonia offer to pay 77,000 EUR to Ms Sofka Janeva. This sum is to cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable within three months from the date of delivery of the judgment by the Court pursuant to Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

The Government further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention.”

13. On 4 April 2002 the Court received the following declaration signed by the applicant's representative:

“I note that the Government of the Former Yugoslav Republic of Macedonia are prepared to pay the sum of 77,000 EUR covering pecuniary and non-pecuniary damage and costs to Ms Sofka Janeva with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

The applicant accepts the proposal and waives any further claims against the Former Yugoslav Republic of Macedonia in respect of the facts of this application. The applicant declares that this constitutes a final settlement of the case.

This declaration is made in the context of a friendly settlement which the Government and the applicant have reached.

The applicant further undertakes not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after delivery of the Court's judgment.”

14. The Court takes note of the agreement reached between the parties (Article 39 of the Convention), and emphasises that this agreement covers pecuniary and non-pecuniary damage and costs also in the domestic proceedings. 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).

15. 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 3 October 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER
Registrar

Georg RESS
President