



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

FIRST SECTION

DECISION

Application no. 10026/03
by Branko MILJUŠ
against Croatia

The European Court of Human Rights (First Section), sitting on
16 June 2005 as a Chamber composed of

Mr C.L. ROZAKIS, *President*,

Mr L. LOUCAIDES,

Mrs F. TULKENS,

Mr P. LORENZEN,

Mrs N. VAJIĆ,

Mrs S. BOTOCHAROVA,

Mr A. KOVLER, *judges*,

and Mr S. QUESADA, *Deputy Section Registrar*,

Having regard to the above application lodged on 1 March 2003,

Having regard to the decision to apply the procedure under Article 29 § 3
of the Convention and examine the admissibility and merits of the case
together,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Branko Miljuš, is a Croatian national, who was born in 1960 and lives in Split. He is represented before the Court by Mr M. Budimir, a lawyer practising in Split.

A. The circumstances of the case

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

On 24 December 1990 the applicant filed a civil action against the football club H. with the Split Municipal Court (*Općinski sud u Splitu*) seeking payment of some contracted amount of money.

The Municipal Court held hearings on 23 October 1991, 3 March 1992, 20 October 1998, 7 April, 6 and 31 October 2000, 28 June, 25 October and 23 November 2001, 1 February, 23 October and 15 November 2002.

On 15 November 2002 the Municipal Court gave judgment by which it dismissed the applicant's claim. The applicant appealed.

On 14 January 2005 the Split County Court (*Županijski sud u Splitu*) quashed the first instance judgment and remitted the case.

Meanwhile, on 16 April 2002 the applicant filed a constitutional complaint concerning the length of proceedings. On 19 December 2002 the Constitutional Court dismissed his complaint. It found that the case had been complex and that, in the relevant period the Municipal Court had proceeded with due diligence.

COMPLAINT

The applicant complained under Article 6 § 1 of the Convention about the length of the proceedings.

THE LAW

By letter of 31 March 2005 the Government informed the Court that they accepted the proposal for a friendly settlement and that the Government would pay the applicant 4,500 euros in full and final settlement of the applicant's claim under the Convention, costs and expenses included.

On 12 April 2005 the applicant's representative informed the Court that the parties had reached a settlement whereby the applicant waived any further claims against Croatia in respect of the facts of 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 (Article 37 § 1 *in fine* of the Convention). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it 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
Deputy Registrar

Christos ROZAKIS
President