

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

SECOND SECTION

DECISION

Application no. 50780/06
A.
against Serbia

The European Court of Human Rights (Second Section), sitting on 20 March 2012 as a Committee composed of:

András Sajó, *President,*
Dragoljub Popović,
Paulo Pinto de Albuquerque, *judges,*

and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 November 2006,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant is a Montenegrin national who was born in 1955 and lives in Niš. The President of the Section has granted the applicant's request that his identity should not be disclosed to the public (Rule 47 § 3). The Serbian Government ("the Government") were represented by their Agent, Mr S. Carić. The Montenegrin Government were invited to intervene in the proceedings (Article 36 § 1 of the Convention), but they have not expressed their intention to do so.

The applicant complained under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1 about the failure of the respondent Party to enforce a final judgment rendered against a socially owned company.

On 2 December 2011 and 5 January 2012 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Serbia in respect of the facts giving rise to this application against an undertaking by the Government to pay him 4,200 (four thousand two hundred) euros to cover any non-pecuniary damage as well as costs and expenses, which would be converted into domestic currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from 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 LAW

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 reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention).

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

For these reasons, the Court unanimously

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

Françoise Elens-Passos
Deputy Registrar

András Sajó
President