CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 7693/03
by Željko BRAJKOVIĆ
against Croatia

The European Court of Human Rights (First Section), sitting on 31 March 2005 as a Chamber composed of

Mr C.L. ROZAKIS, *President*,
Mr P. LORENZEN,
Mrs N. VAJIĆ,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER,
Mrs E. STEINER,
Mr K. HAJIYEV, *judges*,
and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above application lodged on 20 January 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 Željko Brajković, is a Croatian national who was born in 1974 and lives in Makarska, Croatia. He was represented before the Court firstly by Mr S. Pavlinović, and subsequently by Mr M. Budimir, lawyers practising in Split.

The respondent Government are represented by their Agent, Ms Š. Stažnik.

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

On 26 March 1979 the applicant (at that time a minor), represented by his mother, filed a civil action against his father N.A. with the Makarska Municipal Court (*Općinski sud u Makarskoj*) in order to obtain an increase of the maintenance contribution. After two remittals the proceedings finally ended on 14 September 2001 when the Split County Court (*Županijski sud u Splitu*) upheld the first-instance judgment which had been rendered in favour of the applicant on 19 October 2000.

On 27 June 2001 the applicant applied for the enforcement of the above judgment to the Čakovec Municipal Court (*Općinski sud u Čakovcu*).

On 18 September 2002 the court issued a writ of execution (*rješenje o ovrsi*) by seizure of movable property.

The proceedings are still pending.

Meanwhile, on 18 June 2002 the applicant filed a constitutional complaint about the length of the enforcement proceedings.

On 7 November 2002 the Constitutional Court dismissed his complaint as inadmissible.

COMPLAINT

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

THE LAW

On 2 February 2005 the applicant's representative informed the Court that the applicant accepted a proposal for a friendly settlement and waived

any further claims against Croatia in respect of the facts of the present application.

On 11 February 2005 the Government informed the Court that the parties had reached a settlement whereby the Government would pay the applicant 4,600 euros in full and final settlement of the case, costs and expenses included.

The Court takes note of the friendly settlement reached between the parties (Article 39 of the Convention) and considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention. 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 Rule 62 § 3 of the Rules of Court).

Accordingly, the application of Article 29 § 3 of the Convention to the case should be discontinued and the case struck out of the list.

For these reasons, the Court unanimously

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

Søren NIELSEN
Registrar

Christos ROZAKIS
President