CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 35089/03
by Terezija CIBERLIN
against Croatia

The European Court of Human Rights (First Section), sitting on 22 March 2007 as a Chamber composed of:

Mr L. LOUCAIDES, *President*,
Mrs N. VAJIĆ,
Mr A. KOVLER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr S.E. JEBENS,
Mr G. MALINVERNI, *judges*,
and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above application lodged on 24 September 2003,

Having regard to the decision to apply 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, Mrs Terezija Ciberlin, is a Croatian national who was born in 1942 and lives in Zagreb. She was represented before the Court by Mr B. Spiz, a lawyer practising in Zagreb. The Croatian Government were represented by their Agent, Mrs Š. Stažnik.

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

On 23 November 1993 the applicant's husband brought a civil action against the company Z. in the Zagreb Municipal Court (*Općinski sud u Zagrebu*) seeking pecuniary and non-pecuniary damages for injury sustained by accident at work.

On 14 January 1994 the insurance company C.O. joined the proceedings as intervener on the side of the respondent.

On 2 March 1995 the Municipal Court gave judgment for the applicant. The respondent and the intervener appealed.

On 13 October 1998 the Zagreb County Court (*Županijski sud u Zagrebu*) quashed the first-instance judgment and remitted the case.

In the resumed proceedings, the Municipal Court held several hearings.

On 23 December 2000 the plaintiff's advocate informed the court that the plaintiff had died. On 18 January 2001 the applicant informed the court that she succeeded her husband's position in the case by taking over the proceedings as the plaintiff.

On 28 May 2002 the applicant lodged a constitutional complaint with the Constitutional Court (*Ustavni sud Republike Hrvatske*) complaining about the length of the proceedings. On 1 July 2004 the Constitutional Court found a violation of her constitutional right to a hearing within a reasonable time, awarded her 5,000 Croatian kunas (HRK) in compensation and ordered the Zagreb Municipal Court to give a decision on the merits in the applicant's case in the shortest time possible but no later than nine months following the publication of the decision in the Official Gazette. The Constitutional Court's decision was published on 23 July 2004.

It appears that the proceedings are still pending before the first-instance court.

COMPLAINTS

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

2. The applicant also complained under Article 13 that she had not had an effective remedy in respect of her length complaint because the proceedings following her constitutional complaint lasted too long, and the Constitutional Court's decision had not been complied with.

THE LAW

By letter of 18 December 2006 the applicant informed the Court that she accepted a proposal for a friendly settlement and waived any further claims against Croatia in respect of the facts of the present application.

On 8 February 2007 the Government informed the Court that the parties had reached a settlement whereby the Government would pay the applicant 3,400 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. 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.

Søren NIELSEN
Registrar

Loukis LOUCAIDES
President