CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 16699/02
by Aleksandar DEBELIĆ
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,
Ms N. VAJIĆ,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER, *judges*,
and Mr S. QUESADA, *Deputy Section Registrar,*

Having regard to the above application lodged on 3 April 2002,

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 Aleksandar Debelić, is a Croatian national who was born in 1974 and lives in Rab, Croatia. He is represented before the Court by Mr I. Debelić, a lawyer practising in Rab.

A. The circumstances of the case

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

On 8 October 1996 the applicant filed a request with the Croatian Pension Fund, Rijeka Office (*Republički fond mirovinskog i invalidskog osiguranja radnika Hrvatske, Područna služba u Rijeci* – "the Rijeka Office") seeking entitlement to monetary compensation for bodily damage caused by illness (*naknada za tjelesno oštećenje*).

On 27 December 1996 the Rijeka Office dismissed the applicant's request.

On 23 April 1997 the Croatian Pension Fund, Central Office (*Centralna služba u Zagrebu* – "the Central Office") dismissed the applicant's appeal.

The applicant then brought an action in the Administrative Court challenging the legality of the second instance decision.

On 23 March 2000 the Administrative Court gave a judgment dismissing the applicant's claim.

On 18 September 2000 the applicant filed a constitutional complaint.

On 28 April 2004 the Constitutional Court dismissed the applicant's complaint.

COMPLAINT

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

THE LAW

By his letter of 26 January 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 17 February 2005 the Government informed the Court that the parties had reached a settlement whereby the Government would pay the applicant 5,200 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.

Santiago QUESADA
Deputy Registrar

Christos ROZAKIS
President