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

THIRD SECTION

DECISION

Application no. 10859/13
Žarko ĐOKIĆ against Serbia
and 8 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 15 April 2014 as a Committee composed of:

Ján Šikuta, *President,*
Dragoljub Popović,
Iulia Antoanella Motoc, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above applications lodged between 22 January 2013 and 30 April 2013,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants' personal details are set out in the appended table. They are all represented before the Court by Ms S. Jokić, a lawyer practising in Čačak. The Serbian Government ("the Government") were represented by their Agent, Ms V. Rodić.

Without invoking any Article of the Convention, the applicants complained about the respondent State's failure to enforce final court decisions rendered in their favour against the same socially/State-owned company. The applicants also obtained decisions of the Constitutional Court of Serbia according to which the Constitutional Court held that the applicants had suffered a breach of their constitutional rights, awarded them certain sums as compensation for non-pecuniary damage and ordered the competent courts to bring the impugned enforcement proceedings to a conclusion as soon as possible. However, the final court judgments under consideration in this case remain unenforced to the present day. The

essential information as to the domestic proceedings in respect of each application is indicated in the appended table.

Between 3 October 2013 and 16 December 2013 the Court received friendly settlement declarations signed by the parties under which the applicants agreed to waive any further claims against Serbia in respect of the facts giving rise to these applications against an undertaking by the Government to pay each of them 2,000 EUR (two thousand euros) less any amounts which may have already been paid on the basis of the relevant Constitutional Court's decision to cover any non-pecuniary damage as well as costs and expenses, which would be converted into local currency at the rate applicable on the date of payment, and would be free of any taxes that may be applicable. These sums would be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay these sums within the said three-month period, the Government undertook to pay simple interest on them, 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 parties, furthermore, agreed that within the said three-month period the Government would pay, from their own funds, the sums awarded in the domestic decisions under consideration in the present cases (see table appended), less any amounts which may have already been paid on the basis of the said decisions, plus the costs of the domestic enforcement proceedings. These payments will constitute the final resolution of the cases pending before the European Court of Human Rights.

THE LAW

The Court considers that, in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given their similar factual and legal background.

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 public policy 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 cases out of the list.

For these reasons, the Court unanimously

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Marialena Tsirli
Deputy Registrar

Ján Šikuta
President

APPENDIX

No.	Application no. and date of introduction	Applicant name date of birth nationality	Final domestic decision details (the seat of the relevant court and the date of the decision)	The date of the enforcement order	Constitutional Court decision details, amount awarded as a compensation for non-pecuniary damage
1.	10859/13 22/01/2013	**Žarko ĐOKIĆ** 30/03/1954 Serbian	Čačak 25/06/2008	17/09/2008	Už-1453/2010 of 6 November 2012 400 Euros
2.	17721/13 19/02/2013	**Aleksandar ARSENIJEVIĆ** 26/08/1967 Serbian	Čačak 28/02/2008	04/11/2008	Už-1703/2010 of 6 November 2012 400 Euros
3.	18252/13 19/02/2013	**Milenija KULAŠEVIĆ** 08/01/1950 Serbian	Čačak 28/02/2008	04/11/2008	Už-1703/2010 of 6 November 2012 400 Euros
4.	18254/13 19/02/2013	**Stajka ERIĆ** 04/05/1959 Serbian	Čačak 28/02/2008	04/11/2008	Už-1703/2010 of 6 November 2012 400 Euros
5.	18260/13 19/02/2013	**Dragan DELIĆ** 29/01/1967 Serbian	Čačak 28/02/2008	04/11/2008	Už-1703/2010 of 6 November 2012 400 Euros
6.	19933/13 04/03/2013	**Blagoje RADIVOJEVIĆ** 02/01/1948 Serbian	Čačak 17/11/2006 (first instance) 16/05/2007 (second instance)	19/11/2007 26 /12/2008	Už-1746/2010 of 14 November 2012 500 Euros
7.	25390/13 04/03/2013	**Vida MIRKOVIĆ** 08/02/1958 Serbian	Čačak 17/11/2006 (first instance) 16/05/2007 (second instance)	19/11/2007 26 /12/2008	Už-1746/2010 of 14 November 2012 500 Euros
8.	47624/13 28/03/2013	**Tomislav DRAŠKOVIĆ** 15/03/1955 Serbian	Čačak 29/09/2008	03/02/2009	Už-1575/2010 of 15 November 2012 300 Euros
9.	50758/13 30/04/2013	**Radojko STANIŠIĆ** 16/06/1944 Serbian	Čačak 21/02/2008	27/10/2008	Už-1632/2010 of 13 December 2012 400 Euros