CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 43517/05
by Nevenka DUKIĆ
against Croatia

The European Court of Human Rights (First Section), sitting on 5 April 2007 as a Chamber composed of:

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

Having regard to the above application lodged on 3 November 2005,

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 Nevenka Dukić, is a Croatian national who was born in 1957 and lives in Zagreb. She was represented before the Court by Mrs V. Pušić and Mrs M. Jukić-Jurišić, lawyers practising in Zagreb. The Croatian Government ("the 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 14 March 1995 the applicant brought a civil action in the Zagreb Municipal Court (*Općinski sud u Zagrebu*) against her employer seeking damages for employment-related injury.

The court held eight hearings.

Subsequently, on 18 February 2003 the applicant lodged a constitutional complaint under section 63 (1) of the Constitutional Court Act. On 28 October 2004 the Constitutional Court (*Ustavni sud Republike Hrvatske*) accepted the applicant's complaint, finding a violation of her constitutional right to a hearing within a reasonable time. It ordered the Zagreb Municipal Court to give a decision in the applicant's case within one year following its publication in the Official Gazette and awarded her compensation in the amount of 5,500 Croatian kunas. The decision was published on 26 November 2004.

The proceedings appear to be still pending before the first-instance court.

COMPLAINTS

The applicant complained under Article 6 § 1 of the Convention about the length of the proceedings. In substance, the applicant also complained under Article 13 about the lack of an effective remedy in respect of her length complaint in that the Constitutional Court's decision has not been complied with.

THE LAW

By letter of 12 February 2007 the applicant's representatives 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 13 February 2007 the Government informed the Court that the parties had reached a settlement whereby the Government would pay the applicant 5,000 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

Christos ROZAKIS
President