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

THIRD SECTION

DECISION

Application no. 55396/08
Vesna DŽUVEROVIĆ
against Serbia

The European Court of Human Rights (Third Section), sitting on 2 June 2015 as a Committee composed of:

Ján Šikuta, *President,*
Iulia Antoanella Motoc,
Branko Lubarda, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 November 2008,

Having regard to the declaration submitted by the respondent Government on 13 January 2015 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Vesna Džuverović, is a Serbian national, who was born in 1949 and lives in Belgrade.

The Serbian Government ("the Government") were represented by their Agent, Ms V. Rodić.

The applicant complained, under Articles 6 and 13 of the Convention, about the length of the civil proceedings in which she was involved and that had lasted five years and six months within the Court's competence *ratione temporis*, before three levels of jurisdiction.

The application had been communicated to the Government.

THE LAW

After the failure of attempts to reach a friendly settlement, by a letter of 13 January 2015 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The declaration provided as follows:

> "[...] the Government of the Republic of Serbia is ready to accept that there had been a violation of the applicant's rights under Articles 6 § 1 and 13 of the Convention and offer to pay to Ms Vesna Džuverović, the amount of EUR 500 [five hundred euros] in respect of the application registered under no. 55396/08 before the European Court of Human Rights.
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> This sum, which covers any and all non-pecuniary damage less any amounts which may have already been paid in that regard at the domestic level, will be converted into [Serbian dinars] at the rate applicable on the date of payment, free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases.
>
> This payment will constitute the final resolution of the case.
>
> The Government regret the occurrence of the actions which have led to the bringing of the present application."

By letters of 6 and 23 February 2015, the applicant indicated that she was not satisfied with the terms of the unilateral declaration on the ground that the sum proposed in the Government's declaration was unacceptably low.

The Court recalls that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

> "for any other reason established by the Court, it is no longer justified to continue the examination of the application".

It also recalls that in certain circumstances, it may strike out an application under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued.

To this end, the Court will examine carefully the declaration in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey* [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI; *WAZA Spółka z.o.o. v. Poland* (dec.), no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.), no. 28953/03).

The Court has established in a number of cases, including those brought against Serbia, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example,

Frydlender v. France [GC], no. 30979/96, § 43, ECHR 2000-VII; *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 69-98, ECHR 2006-V; and *Nemet v. Serbia,* no. 22543/05, 8 December 2009).

Having regard to the nature of the admissions contained in the Government's declaration, as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

The Court considers that, in the event of failure to settle within three months from the date of notification of the Court's decision issued in accordance with Article 37 § 1 of the European Convention on Human Rights, simple interest shall be payable on the amount in question at a rate equal to the marginal lending rate of the European Central Bank plus three percentage points.

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration under Articles 6 and 13 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 25 June 2015.

Marialena Tsirli	Ján Šikuta
Deputy Registrar	President