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

SECOND SECTION

DECISION

Application no. 26461/07
Bećo GLAVATOVIĆ
against Montenegro

The European Court of Human Rights (Second Section), sitting on 8 November 2016 as a Committee composed of:

Valeriu Griţco, *President,*
Nebojša Vučinić,
Stéphanie Mourou-Vikström, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 15 June 2007,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Bećo Glavatović, was a Montenegrin national, who was born in 1940. On 5 June 2013 the applicant died.

According to the Court's case-law when the direct victim dies after the application was lodged with the Court, the applicant's heirs may pursue the application provided that they have legitimate interest in maintaining the request on behalf of the deceased (for, *mutatis mutandis*: *Ergezen v. Turkey*, no. 73359/10, § 28-30, 8 April 2014). In the present case the applicant's widow and four children, legal heirs of the applicant, showed such interest which has given them the requisite standing under Article 34 of the Convention to pursue this application. For practical reasons, however, the term "the applicant" will be used with reference to the original applicant, Mr Bećo Glavatović.

The Montenegrin Government ("the Government") were represented by their Agent, Ms Valentina Pavličić.

The applicant complained under Articles 6 and 13 of the Convention about the national authorities' failure to enforce the final court judgment rendered in his favour.

On 13 June 2016 and 22 July 2016 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Montenegro in respect of the facts giving rise to this application against an undertaking by the Government to pay him EUR 4,700 (four thousand seven hundred euros) to cover any and all non-pecuniary damage and EUR 100 (one hundred euros) to cover any and all costs and expenses, plus any tax that may be chargeable to the applicant's heirs. These sums will 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 the 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 payment will constitute the final resolution of the case.

THE LAW

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 reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 1 December 2016.

Hasan Bakırcı
Deputy Registrar

Valeriu Griţco
President