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

THIRD SECTION

DECISION

Application no. 59690/12
Rozita GOMOL
against Serbia

The European Court of Human Rights (Third Section), sitting on 12 December 2017 as a Committee composed of:

Pere Pastor Vilanova, *President,*
Branko Lubarda,
Georgios A. Serghides, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 11 September 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Rozita Gomol, is a Serbian and Slovenian national, who was born in 1966 and lives in Koceljeva. The applicant died in the course of proceedings before the Court.

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 son Mr Knežević Milenko, legal heir of the applicant, showed such interest which gives her the requisite standing under Article 34 of the Convention to pursue this application.

The Serbian Government ("the Government") were initially represented by their former Agent, Ms V. Rodić, who was subsequently substituted by their current Agent, Ms N. Plavšić.

Without invoking any Article of the Convention the applicant complained about excessive length of labour dispute which lasted between 29 April 1991 and 24 March 2011. This complaint was communicated to the Government.

On 14 March 2017 and 24 March 2017 the Court received friendly settlement declarations signed by the parties under which the applicant's heir agreed to waive any further claims against Serbia in respect of the facts giving rise to this application against an undertaking by the Government to pay him EUR 2,300 euros (two thousand three hundred euros) to cover any and all non-pecuniary damage less any amounts which may have already been paid in that regard at the domestic level, plus any tax that may be chargeable to the applicant. This sums will be converted into national currency at the rate applicable on the date of payment, and 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 above-mentioned three-month period, the Government undertake 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 11 January 2018.

Fatoş Aracı
Deputy Registrar

Pere Pastor Vilanova
President