CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

FINAL DECISION

AS TO THE ADMISSIBILITY OF

Application no. 1393/03
by Marija HAJDUKOVIĆ
against Croatia

The European Court of Human Rights (First Section), sitting on 30 September 2004 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mr P. LORENZEN,
Mr G. BONELLO,
Mrs F. TULKENS,
Mrs N. VAJIĆ,
Mrs E. STEINER,
Mrs K. HAJIYEV, *judges*,
and Mr S. QUESADA, *Deputy Section Registrar*,

Having regard to the above application lodged on 11 December 2002,

Having regard to the partial decision of 29 January 2004 and the decision to apply the procedure under Article 29 § 3 of the Convention and to examine the admissibility and merits of the case together,

Having regard to the applicant's representative letter dated 11 June 2004 and the respondent Government's letter dated 24 June 2004,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Marija Hajduković, is a Croatian citizen, who was born in 1939 and lives in Sesvetska Sela, Croatia. She is represented before the Court by Mr B. Spiz, a lawyer practising in Zagreb. The respondent Government are represented by by their Agent, Ms L. Lukina-Karajković.

The facts of the case, as submitted by the parties, may be summarised as follows.

On 14 October 1992 the applicant filed a civil action with the Zagreb Municipal Court (*Općinski sud u Zagrebu*) seeking non-pecuniary damages from the insurance company C.

The Municipal Court adopted a judgment accepting the applicant's claim in part. The defendant appealed against the judgment on 12 March 1997.

On 8 September 1998 the Zagreb County Court (*Županijski sud u Zagrebu*) upheld the first instance judgment in part, remitting the remainder of the case.

Subsequently, several hearings were held in the Zagreb Municipal Court.

In 2002 the applicant filed a constitutional complaint under section 63 of the 2002 Constitutional Act on the Constitutional Court complaining about the length of the proceedings.

On 14 November 2002 the Constitutional Court (*Ustavni sud Republike Hrvatske*) dismissed her complaint finding that the proceedings had not exceeded a reasonable time.

The proceedings are presently pending before the Zagreb Municipal Court.

COMPLAINT

The applicant complained under Article 6 § 1 of the Convention about the length of the proceedings.

THE LAW

By letter of 11 June 2004 the applicant's representative informed the Court that the parties had reached a settlement whereby the applicant waived any further claims against Croatia in respect of the facts of the present application.

On 24 June 2004 the Government informed the Court that they accepted the proposal for a friendly settlement and that the Government would pay the applicant 3,200 euros in full and final settlement of the applicant's claim under the Convention, costs and expenses included.

The Court takes note of the friendly settlement reached between the parties (Article 39 of the Convention) and considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention. It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention Rule 62 § 3 of the Rules of Court). Accordingly, the application of Article 29 § 3 of the Convention to the case should be discontinued and the case struck out of the list.

For these reasons, the Court unanimously

Decides to discontinue the application of Article 29 § 3 of the Convention; and

Decides to strike the case out of its list of cases.

Santiago QUESADA
Deputy Registrar

Christos ROZAKIS
President