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

THIRD SECTION

DECISION

Application no. 56538/13
Ljutvo HANUŠA
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 30 July 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Ljutvo Hanuša, is a Serbian national, who was born in 1955 and lives in Novi Pazar. He was represented before the Court by Ms R. Garibović, a lawyer practising in Novi Pazar.

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

The applicant complained under Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention about the respondent State's failure to enforce the final court decisions of the Municipal Court in Novi Pazar of 5 July 2006 and 13 February 2007, rendered in his favour, according to which a socially/State-owned company was ordered to pay him certain sum. These court decisions remain unenforced to the present day.

On 22 August 2014 and 25 February 2015 the Court received friendly settlement declarations signed by the parties under which the applicant 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 2,000 euros, less any amounts which may have already been paid in that regard at the domestic level, to cover any non-pecuniary damage as well as costs and expenses, which would be converted into local currency at the rate applicable on the date of payment, and would be free of any taxes that may be applicable. This sum would be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, 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 parties, furthermore, agreed that within the said three-month period the Government would pay, from their own funds, the sum awarded in the domestic decision under consideration in the present case, less any amounts which may have already been paid on the basis of the said decision, plus the costs of the domestic enforcement proceedings. This payment will constitute the final resolution of the case pending before the European Court of Human Rights.

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 25 June 2015.

Marialena Tsirli	Ján Šikuta
Deputy Registrar	President