

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

SECOND SECTION

DECISION

Application no. 49337/06
by Stanojka JOKSIĆ and Julija JOKSIĆ
against Serbia

The European Court of Human Rights (Second Section), sitting on 13 December 2011 as a Committee composed of:

András Sajó, *President,*
Dragoljub Popović,
Paulo Pinto de Albuquerque, *judges,*

and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 1 December 2006,

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

Having deliberated, decides as follows:

PROCEDURE

The applicants, Ms Stanojka Joksić and Ms Julija Joksić are Serbian nationals who were born in 13 August 1956 and 16 March 1991, respectively and live in Belgrade. They were represented before the Court by Mr V. Zdravković, a lawyer practising in Beograd. The Serbian Government ("the Government") were represented by their Agent, Mr S. Carić.

The applicant complained under Article 6 of the Convention about the extensive length of the civil proceedings for division of matrimonial property to which they are party to.

On 1 July 2011 and 7 July 2011 the Court received friendly settlement declarations signed by the parties under which the applicants 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 them 2,200 (two thousand two hundred) euros to cover any non-pecuniary damage as well as costs and expenses, which would be converted into domestic currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. This sum will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. 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 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 (Article 37 § 1 *in fine* of the Convention).

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.

Françoise Elens-Passos
Deputy Registrar

András Sajó
President