

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

SECOND SECTION

DECISION

Application no. 34689/08
by Olga KATALINIĆ
against Serbia

The European Court of Human Rights (Second Section), sitting on 24 May 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 8 July 2008,

Having regard to a settlement reached by the parties,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Olga Katalinić, is a Serbian national who was born in 1949 and lives in Negotin. She is represented before the Court by Mr V. Mihajlović, a lawyer practising in Negotin. The Serbian Government ("the Government") are represented by their Agent, Mr S. Carić.

A. The circumstances of the case

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

On 29 October 1998 Ž.S. and Lj.G. started a private prosecution before the Negotin Municipal Court accusing the applicant of forgery.

On 18 April 2007 the Municipal Court decided to discontinue the criminal proceedings on the ground that Ž.S. and Lj.G. had failed to appear at an oral hearing.

On 10 May 2007 the Municipal Court refused a motion for *restitutio in integrum* submitted by Ž.S. and Lj.G.

On 15 June 2007 the Negotin District Court quashed the decisions of 18 April and 10 May 2007 and remitted the case for a retrial.

On 21 August 2007 the Municipal Court acquitted the applicant.

On 6 November 2007 the District Court quashed that decision and remitted the case for a retrial.

On 25 December 2007 the Municipal Court discontinued the criminal proceedings as statute-barred.

On 26 March 2008 the District Court upheld the decision of 25 December 2007 in the acquittal part and quashed the part concerning the costs of the proceedings and remitted it for a retrial.

COMPLAINT

The applicant complained, under Article 6 § 1 of the Convention, about the length of the criminal proceedings described above.

THE LAW

The Court notes that, after the Government had been informed of the application on 25 November 2010 (Rule 54 § 2 (b) of the Rules of Court), they offered to the applicant to settle the case by acknowledging a violation of her right to a hearing within a reasonable time and by offering redress in the amount of 3,300 euros to cover any damage as well as costs and expenses, which would be converted into local currency at the rate applicable on the date of payment. The payment was effected on 31 January 2011. On 3 and 22 February 2011, respectively, the applicant and the Government informed the Court about the settlement. The applicant, furthermore, expressed a wish to withdraw her application introduced before the Court.

The Court reiterates that Article 37 of the Convention in the relevant part reads as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application; or
>
> (b) the matter has been resolved;

...

However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

The Court takes note that following the settlement reached between the parties the matter has been resolved and that the applicant does not wish to pursue her application (Article 37 § 1 (a) and (b) of the Convention). 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	András Sajó
Deputy Registrar	President