CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 9552/02
by Igor KATIĆ
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 S. BOTOUCHAROVA,
Mrs E. STEINER, *judges*,
and Mr S. QUESADA, *Deputy Section Registrar*,

Having regard to the above application lodged on 22 November 2001,

Having regard to the decision of 28 November 2002 to declare certain complaints inadmissible and to apply Article 29 § 3 of the Convention (examination of the admissibility and merits together) in respect of the remaining complaints,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Igor Katić, is a Croatian national who was born in 1929 and lives in Zadar, Croatia.

The respondent Government were represented by their Agent, Ms Lidija Lukina-Karajković.

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

On 28 October 1991 the Croatian Army confiscated a vehicle belonging to the applicant.

On 15 July 1992 the vehicle was returned to him, but it was severely damaged.

On 5 January 1995 he instituted civil proceedings before the Zagreb Municipal Court (*Općinski sud u Zagrebu*) seeking damages from the Republic of Croatia for his damaged vehicle.

On 10 March 1998 the Zagreb Municipal Court gave a judgment awarding his request.

On 16 April 1998 the Republic of Croatia appealed against the judgment.

Pursuant to the Civil Obligations (Amendments) Act 1999 (*Zakon o dopunama Zakona o obveznim odnosima*, Official Gazette no. 112/1999, hereinafter "the 1999 Act"), the Zagreb Municipal Court stayed the proceedings on 4 April 2000.

The applicant filed a constitutional complaint challenging the decision to stay the proceedings concerning his claim for damages.

On 11 December 2000 the Constitutional Court rejected the complaint as inadmissible.

On 27 March 2001 the applicant filed a constitutional complaint challenging the constitutionality of the 1999 Act. It would appear that the case is pending before the Constitutional Court.

COMPLAINT

The applicant complained that the enactment of the 1999 Act violated his right of access to court guaranteed by Article 6 § 1 of the Convention.

THE LAW

On 2 February 2004 and on 1 March 2004 the applicant and the Government, respectively, submitted formal declarations accepting a friendly settlement of the case whereby the Government would pay the

amount of 4,500 euros to the applicant and he would withdraw the application waiving any further claims against Croatia in that respect.

The Court takes note of the agreement reached between the parties (Article 39 of the Convention) and considers that the matter has been resolved (Article 37 § 1 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). Accordingly, the application to the case of Article 29 § 3 of the Convention should be discontinued and the case struck out of its list of cases.

For these reasons, the Court unanimously

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

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

Santiago QUESADA
Deputy Registrar

Christos ROZAKIS
President