

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

SECOND SECTION

DECISION

Application no. 12192/07
by Slava KOŠANIN
against Serbia

The European Court of Human Rights (Second Section), sitting on 29 November 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 March 2007,
Having regard to the formal declarations accepting a friendly settlement of the case,
Having deliberated, decides as follows:

PROCEDURE

The applicant, Ms Slava Košanin, is a Serbian national who was born in 1952 and lives in Novi Pazar. She 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, Mr S. Carić.

The applicant complained under Article 6 of the Convention and Article 1 of Protocol No. 1 thereto about the failure of the respondent party to pay her amount awarded to her by a final decision rendered against a socially owned company.

On 28 June and 10 August 2011 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 her 6,200 (six thousand two hundred) euros to cover any and all non-pecuniary damage and 600 (six hundred) euros to cover any and all costs and expenses, which would be converted into domestic currency at the rate applicable on the date of payment. The Government also undertook to pay to the aplicant the full amount of her claims in the domestic proceedings, as recognised by decisions of 9 September 2004, 29 December 2004, 12 October 2005, 22 March 2006, 19 October 2006, 14 February 2007 and 9 July 2007 (decisions of the Municipal Court in Novi Pazar Pl.322/04, Pl.1154/04, Pl.437/05, Pl.13/06, Pl.832/06, Pl.1097/06 and Pl.217/07 respectively). These sums will be free of any taxes that may be applicable and 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