CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

FINAL DECISION

AS TO THE ADMISSIBILITY OF

Application no. 1382/03
by Ivan and Danica LJUBIČIĆ
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 E. STEINER,
Mr K. HAJIYEV, *judges*,
and Mr S. QUESADA, *Deputy Section Registrar*,

Having regard to the above application lodged on 27 December 2002,

Having regard to the partial decision of 29 January 2004 and the decision to apply the procedure under Article 29 § 3 of the Convention and to examine the admissibility and merits of the case together,

Having regard to the applicants' representative letter dated 21 June 2004, and the respondent Government's letter dated 24 June 2004,

Having deliberated, decides as follows:

THE FACTS

The applicants, Mr Ivan Ljubičić and Ms Danica Ljubičić, are Croatian citizens, who live in Novska. They are represented before the Court by Mr B. Spiz, a lawyer practising in Zagreb. The respondent Government are represented by by their Agent, Ms L. Lukina-Karajković.

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

On 5 July 1995 the applicants instituted civil proceedings before the Novska Municipal Court (*Općinski sud u Novskoj*) against the Novska Municipality for damage incurred in respect of their confiscated property.

At the hearing on 3 September 1998 the defendant objected to the jurisdiction of the Novska Municipal Court.

On 15 September 1999 the Novska Municipal Court declared that it did not have jurisdiction in the matter.

On 15 September 1999 the applicants appealed against this decision.

On 18 January 2000 the Sisak County Court (*Županijski sud u Sisku*) quashed the decision and remitted the case.

Subsequently, several hearings were held in the Novska Municipal Court.

In 2002 the applicants filed a complaint with the Constitutional Court (*Ustavni sud Republike Hrvatske*) complaining about the length of the proceedings.

On 8 July 2002 the Constitutional Court rejected the complaint, finding that the proceedings had not exceeded a reasonable time.

The proceedings are still pending before the Novska Municipal Court.

COMPLAINT

The applicants complained under Article 6 § 1 of the Convention about the length of the proceedings.

THE LAW

By letter of 21 June 2004 the applicants' representative informed the Court that the parties had reached a settlement whereby the applicants waived any further claims against Croatia in respect of the facts of the present application.

On 24 June 2004 the Government informed the Court that they accepted the proposal for a friendly settlement and that the Government would pay the applicants 3,600 euros in full and final settlement of the applicants' claim under the Convention, costs and expenses included.

The Court takes note of the friendly settlement reached between the parties (Article 39 of the Convention) and considers that the matter has been resolved within the meaning of Article 37 § 1 (b) 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 Rule 62 § 3 of the Rules of Court). Accordingly, the application of Article 29 § 3 of the Convention to the case should be discontinued and the case struck out of the list.

For these reasons, the Court unanimously

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

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

Santiago QUESADA
Deputy Registrar

Christos ROZAKIS
President