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

SECOND SECTION

DECISION

Application no. 31602/21
Lozica LUKIĆ
against Serbia
(see appended table)

The European Court of Human Rights (Second Section), sitting on 30 June 2022 as a Committee composed of:

Jovan Ilievski, *President,*
Gilberto Felici,
Diana Sârcu, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 14 June 2021,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant, who was represented by Mr R. Kojić, a lawyer practising in Belgrade, died on 16 July 2021. The Government accepted the applicant's son, Mr Dragoljub Lukić, and her daughter, Ms Dragana Trajković, as her legal heirs.

The applicant's complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement or delayed enforcement of domestic decisions given against socially/State-owned companies were communicated to the Serbian Government ("the Government").

The Court received the friendly-settlement declarations, signed by the parties, under which the applicant's heirs agreed to waive any further claims against Serbia in respect of the facts giving rise to this application, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will be

payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertake to pay simple interest on them, from the 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 Government also undertake to ensure the enforcement of the domestic decisions under consideration in the case within the same three-month period, and to pay any costs of the domestic enforcement proceedings.

The payment and the enforcement of the domestic decisions in the case will constitute the final resolution of the case.

THE LAW

The Court takes note of the death of Ms Lukić and of the wish of her son and daughter to pursue the proceedings. The Court reiterates that where an applicant dies during the examination of a case his or her heirs may in principle pursue the application on his or her behalf (see *Ječius v. Lithuania*, no. 34578/97, § 41, ECHR 2000-IX; *Shiryayeva v. Russia*, no. 21417/04, §§ 8-9, 13 July 2006; and *Horváthová v. Slovakia*, no. 74456/01, § 26, 17 May 2005). Nothing suggests that the rights the applicant sought to protect through the Convention mechanism were eminently personal and non-transferable (see *Malhous v. the Czech Republic* [GC], no. 33071/96, 12 July 2001). The Government did not contend that Mr Lukić and Ms Trajković had no standing to pursue the case. Therefore, the Court considers that the applicant's son and daughter have a legitimate interest in pursuing the application.

The Court further 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 the Protocols thereto and finds no reasons to justify a continued examination of the application.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides that Mr Lukić and Ms Trajković have standing to continue the proceedings in their late mother's stead;

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 21 July 2022.

Viktoriya Maradudina
Acting Deputy Registrar

Jovan Ilievski
President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (non-enforcement or delayed enforcement of domestic decisions given against socially/State-owned companies)

Application no. Date of introduction	Applicant's name Year of birth	Date of receipt of Government's declaration	Date of receipt of Applicant's declaration	Amount awarded for non-pecuniary damage per applicant (in euros)[1] [2]	Amount awarded for costs and expenses per application (in euros)[3]
31602/21 14/06/2021	**Lozica LUKIĆ** 1959 Deceased in 2021 Pursued by heirs: **Dragoljub Lukić** 1981 **Dragana Trajković** 1986	08/03/2022	08/06/2022	1,000	250

[1] Plus any tax that may be chargeable to the applicant.
[2] Less any amounts which may have already been paid in that regard at the domestic level.
[3] Plus any tax that may be chargeable to the applicant.