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

SECOND SECTION

DECISION

Application no. 13893/20
Mihailo MARKOVIĆ and Others
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 6 March 2020,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Mr R. Kojić, a lawyer practising in Belgrade.

The applicants, Ms Savić, died on 31 August 2017.

The applicants' 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 applicants 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 first notes that Ms Savić died before the application was lodged on behalf of all applicants (the relevant date is set out in the appended table). In accordance with Article 34 of the Convention and the Court's case-law, applications can only be lodged by, or in the name of, individuals who are alive. Thus, in a number of cases where the direct victim has died prior to the submission of the application, the Court has not accepted that the direct victim, even when represented, had standing as an applicant for the purposes of Article 34 (see, among many other authorities, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 96, ECHR 2014).

Therefore, in respect of Ms Savić, the application is incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 and must be rejected in accordance with Article 35 § 4 of the Convention.

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 respect of the remaining applicants.

In view of the above, it is appropriate to strike the case out of the list in respect of the remaining applicants.

For these reasons, the Court, unanimously,

Declares the application inadmissible in respect of Ms Savić;

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

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, excluding Ms SAVIĆ (in euros)[1] [2]	Amount awarded for costs and expenses per application (in euros)[3]
13893/20 06/03/2020 (7 applicants)	**Mihailo MARKOVIĆ** 1942 **Jonel ĐINU** 1949 **Dragiša SIMONOVIĆ** 1953 **Vujadin MARTIĆ** 1955 **Stevan MILETIĆ** 1967 **Milutin SOTIROV** 1945 **Olga SAVIĆ** 1949 Deceased in 2017	20/12/2021	07/10/2021	1,000	250

[1] Plus any tax that may be chargeable to the applicants.
[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 applicants.