

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

FIRST SECTION

DECISION

Application no. 18175/11
Željka MATUŠAN
against Croatia

The European Court of Human Rights (First Section), sitting on 12 June 2012 as a Committee composed of:

Anatoly Kovler, *President,*
Mirjana Lazarova Trajkovska,
Linos-Alexandre Sicilianos, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 17 January 2011,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Ms Željka Matušan, is a Croatian national, who was born in 1949 and lives in Rab She was represented before the Court by Mr I. Debelić, a lawyer practising in Rab.

The Croatian Government ("the Government") were represented by their Agent, Ms Š. Stažnik.

The applicant complained under Article 6 § 1 of the Convention about the length of the proceedings before the Constitutional Court and under Article 13 about the lack of an effective remedy in that respect. The applicant also invoked Article 14 of the Convention, Article 1 of Protocol No. 12 and Article 1 of Protocol No. 1.

On 9 February and 14 March 2012 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Croatia in respect of the facts giving rise to this application against an undertaking by the Government to pay her 3,500 euros to cover any non-pecuniary damage as well as costs and expenses, which would be converted into Croatian kuna at the rate applicable on the date of payment, and would be free of any taxes that may be applicable. It 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.

André Wampach
Deputy Registrar

Anatoly Kovler
President