

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

SECOND SECTION

DECISION

Application no. 14680/08
Momčilo MIJAJLOVIĆ
against Serbia

The European Court of Human Rights (Second Section), sitting on 9 April 2013 as a Committee composed of:

Paulo Pinto de Albuquerque, *President,*
Dragoljub Popović,
Helen Keller, *judges,*

and Françoise Elens-Passos, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 4 March 2008,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Momčilo Mijajlović, is a Serbian national, who was born in 1948 and lives in Vučje.

The Serbian Government ("the Government") were represented by their Agent, Mr S. Carić.

Without invoking any provision of the Convention the applicant, in substance, complained about the non-enforcement of a final domestic judgement rendered in his favour.

On 24 September 2012 and 9 November 2012 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 him EUR 4,700 (four thousand seven hundred euros) to cover any non-pecuniary damage, which will be converted into the local currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. This sum will be payable within three months from the date of notification of the decision taken by the Court. 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 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 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. In view of the above, it is appropriate to strike the case out of the list in accordance with Article 39 of the Convention.

For these reasons, the Court unanimously

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

Françoise Elens-Passos
Acting Deputy Registrar

Paulo Pinto de Albuquerque
President