

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

SECOND SECTION

DECISION

Applications nos. 3716/09 and 38051/09
Ljubinka MILUNOVIĆ against Serbia
and Ramiza ČEKRLIĆ against Serbia

The European Court of Human Rights (Second Section), sitting on 21 February 2012 as a Chamber composed of:

Françoise Tulkens, *President,*
Danutė Jočienė,
David Thór Björgvinsson,
Dragoljub Popović,
András Sajó,
Guido Raimondi,
Paulo Pinto de Albuquerque, *judges,*
and Stanley Naismith, *Section Registrar,*

Having regard to the above applications lodged on 15 December 2008,

Having regard to the decision to grant priority to the above applications under Rule 41 of the Rules of Court,

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

Having regard to the decision of 17 May 2011, to join the applications and declare them admissible,

Having deliberated, decides as follows:

THE FACTS

1. The applicants were born in 1952 and 1960 respectively and live in Vladimirci and Novi Pazar.

2. Both applicants obtained final judgments in their favour, against their common employer, which is a socially-owned company.

3. As the domestic courts failed to enforce the said judgments, the applicants sought redress from the Constitutional Court.

THE LAW

4. On 1 July and 8 June 2011 (in the first applicant's case), and on 1 July and 6 June 2011 (in the second applicant's case), the Court received 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 their applications against an undertaking by the Government to pay each applicant 6,800 (six thousand eight hundred) euros to cover any non-pecuniary damage, as well as costs and expenses, which would be converted into the domestic currency at the rate applicable on the date of payment, and be free of any taxes that may be applicable. The Government also undertook to pay to the applicants the full amounts of their claims in the domestic proceedings, by fully paying, from their own funds, the sums awarded to the applicants in the final domestic judgments of the Municipal Court in Novi Pazar (the judgment of 8 October 2004 – domestic case no. P1.702/04, in the case of the first applicant; the judgments of 12 March 1998 and 26 April 2005 – domestic case nos. P1.79/98 and P1.710/04, in the case of the second applicant), less any social security contributions which had already been covered. The Government furthermore undertook to pay to both applicants the sums awarded for the costs of their respective domestic enforcement proceedings. All sums 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.

5. In these circumstances, the Court concludes that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention. Furthermore, the Court finds no reasons of a general character, as defined in Article 37 § 1 *in fine*, which would require the examination of the application by virtue of that Article.

6. Accordingly, the cases should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the case out of the list.

Done in English, and notified in writing on 21 February 2012, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith
Registrar

Françoise Tulkens
President