

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

SECOND SECTION

DECISION

Application no. 15122/08
Siniša NIKOLIĆ
against Serbia

The European Court of Human Rights (Second Section), sitting on 13 November 2012 as a Committee composed of:

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

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

Having regard to the above application lodged on 17 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 Siniša Nikolić, is a Serbian national, who was born in 1946 and lives in Langen, Germany. He was represented before the Court by Mr M. Jovičić, a lawyer practising in Čačak.

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

The applicant complained under Article 6 of the Convention and Article 1 of Protocol No. 1 thereto, about the non-enforcement of the final domestic decision rendered in his favour.

On 5 January 2012 and 16 January 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 5,400 (five thousand four hundred euros) to cover any non-pecuniary damage as well as costs and expenses, which will be converted into the domestic 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 pursuant to 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
Deputy Registrar

Paulo Pinto de Albuquerque
President