

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

SECOND SECTION

DECISION

Application no. 30828/08
by Dragan RADIN
against Serbia

The European Court of Human Rights (Second Section), sitting on 24 May 2011 as a Committee composed of:

András Sajó, *President,*
Dragoljub Popović,
Paulo Pinto de Albuquerque, *judges,*

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

Having regard to the above application lodged on 13 June 2008,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Dragan Radin, is a Serbian national who was born in 1949 and lives in Zrenjanin. The Serbian Government ("the Government") were represented by their Agent, Mr. S. Carić

The applicant complained under Article 6 § 1 and 13 of the Convention about the prolonged non-enforcement of a final domestic judgment rendered in his favour.

On 27 July 2010 and 20 September 2010 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 4,800 (four thousand eight hundred) euros to cover any non-

pecuniary damage as well as costs and expenses, which would be converted into domestic currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable, and 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.

Françoise Elens-Passos
Deputy Registrar

András Sajó
President