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

THIRD SECTION

DECISION

Application no. 3551/08
William RED
against Serbia

The European Court of Human Rights (Third Section), sitting on 3 June 2014 as a Chamber composed of:

Josep Casadevall, *President,*
Alvina Gyulumyan,
Ján Šikuta,
Dragoljub Popović,
Luis López Guerra,
Johannes Silvis,
Valeriu Griţco, *judges,*
and Santiago Quesada, *Section Registrar,*

Having regard to the above application lodged on 10 January 2008,

Having regard to the comments submitted by the Serbian Government and the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr William Red,[1] is a citizen of Bosnia and Herzegovina, who was born in 1984, lives in Banja Luka (Bosnia and Herzegovina) and is temporarily residing in London (the United Kingdom). He was represented before the Court by Ms G. Rakočević, a lawyer practising in Niš.

2. The Serbian Government ("the Government") were represented by their Agent, Ms V. Rodić.

[1] The applicant's name was Vilijem Andrea Nikolić at the time of lodging the application. On 17 March 2014 the applicant informed the Court that he has, in the meantime, changed his name to William Red.

3. The applicant complained, referring to Articles 6 and 8 of the Convention, about the excessive length of the paternity proceedings, as well as that the continued failure of the domestic courts to adopt final decisions in his paternity case has left him in a state of prolonged uncertainty regarding his personal identity. The paternity proceedings had commenced in 2002 and were terminated in 2013.

4. On 10 January 2014 the Court invited the Serbian Government to submit their observations on the admissibility and merits of the application, and, in view of the applicant's nationality, informed the Government of Bosnia and Herzegovina that they may, if they so wish, submit written comments on the case. On the same date, the priority treatment was also given to the application in accordance with Rule 41 of the Rules of Court.

5. By letter dated 6 March 2014, the Agent of the Serbian Government informed the Court of an out-of-court settlement that had been reached by the parties on 3 March 2014, in the following terms:

> "1. The Republic of Serbia undertakes to pay to the applicant...*ex gratia* 4,500 euros, converted into Serbian Dinar, at the mid-market rate, which amount will cover for any non-pecuniary damage as well as any costs and expenses incurred, with a view to securing a settlement of the case [application no. 3551/08 pending before the European Court of Human Rights].
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> 2. By this settlement, the applicant shall give up any claims, on any human rights-related ground, against the Republic of Serbia in respect of the terminated paternity proceedings before the Belgrade High Court (P. no. 4339/09).
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> 3. The indicated sums shall be payable within three months from the date of notification of the decision taken by the European Court of Human Rights to strike the case out of its list of cases, pursuant to Article 37 § 1 of the European Convention on Human Rights.
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> 4. The applicant waives any further claims against the Republic of Serbia in respect to the facts giving rise to the application no. 3551/08 submitted to the European Court of Human Rights.
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> 5. This settlement constitutes a final resolution of the case."

6. By letter received by the Court on 17 March 2014 the applicant informed the Court about the termination of the impugned paternity proceedings and confirmed his agreement to his application being struck out on the basis of the above-mentioned settlement terms.

7. The Government of Bosnia and Herzegovina did not exercise their right to intervene.

THE LAW

8. The Court takes note of the settlement reached between the parties and the applicant's withdrawal request. The Court considers that the

applicant no longer wishes to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

9. In view of the above, it is appropriate to strike the case out of the list in accordance with Article 37 § 1 (a) of the Convention.

For these reasons, the Court, unanimously,

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

Santiago Quesada
Registrar

Josep Casadevall
President