

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

FIRST SECTION

DECISION

Application no. 8097/12
Heidrun Lizzi SCHWENK MUEHLBAUER
against Croatia

The European Court of Human Rights (First Section), sitting on 2 July 2013 as a Committee composed of:

Elisabeth Steiner, *President,*
Mirjana Lazarova Trajkovska,
Ksenija Turković, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 30 January 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Heidrun Lizzi Schwenk Muehlbauer, is a German national, who was born in 1940 and lives in Bad Wörishofen She was represented before the Court by Mr Z. Zrilić, a lawyer practising in Zadar.

The Croatian Government ("the Government") were represented by their Agent, Ms Š. Stažnik. On 19 November 2012 the Court invited the Government of the Federal Republic of Germany whether they wished to intervene in the case but they expressed no wish to intervene.

On 11 March 2013 the Court received friendly settlement proposal of the Government followed by the applicant's acceptance of 8 April 2013, and the friendly settlement declarations of 8 May and 14 May 2013 signed by the parties, under which the applicant agreed to waive any further claims

against Croatia in respect of the facts giving rise to this application, lodged under Article 5 of the Convention, against an undertaking by the Government to pay her 5,451 euros to cover any non-pecuniary damage as well as costs and expenses, which will be converted into Croatian kunas at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It 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.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

André Wampach
Deputy Registrar

Elisabeth Steiner
President