

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

FIRST SECTION

DECISION

Application no. 70405/10
Jasmin SMAILAGIĆ
against Croatia

The European Court of Human Rights (First Section), sitting on 12 June 2012 as a Committee composed of:

Anatoly Kovler, *President,*
Linos-Alexandre Sicilianos,
Erik Møse, *judges*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 22 July 2010,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Jasmin Smailagić, is a Croatian national, who was born in 1951 and lives in Rijeka. He was represented before the Court by Mr V. Margan, a lawyer practising in Rijeka.

The Croatian Government ("the Government") were represented by their Agent, Ms Š. Stažnik.

The applicant complained under Article 6 § 1 of the Convention about the length of criminal proceedings.

On 20 February and 13 March 2012 the Court received friendly settlement declarations 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 against an undertaking by the Government to

pay him 5,800 euros to cover any non-pecuniary damage as well as costs and expenses, which would be converted into Croatian kuna at the rate applicable on the date of payment, and would 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 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.

André Wampach
Deputy Registrar

Anatoly Kovler
President