

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

FOURTH SECTION

DECISION

This version was rectified on 6 June 2011
under Rule 81 of the Rules of the Court

Application no. 45282/08
by Mladenko TOPIĆ
against Bosnia and Herzegovina

The European Court of Human Rights (Fourth Section), sitting on 24 May 2011[1] as a Committee composed of:

Lech Garlicki, *President*,
Ljiljana Mijović,
Nebojša Vučinić, judges,

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 15 August 2008,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Mladenko Topić, is a citizen of Bosnia and Herzegovina, who was born in 1955 and lives in Banja Luka. He was represented before the Court by Udruženje građana za povrat stare devizne štednje u BiH i dijaspori, a non-governmental organisation from Banja

[1] Rectified on 6 June 2011: The date was missing in the former version of the decision.

Luka. The Government of Bosnia and Herzegovina ("the Government") were represented by their Agent, Ms Monika Mijić.

The applicant complained under Article 6 of, and Article 1 of Protocol No. 1 to, the Convention of the non-enforcement of the final judgment adopted in his favour against the Republika Srpska by the Banja Luka First Instance Court on 22 November 2000.

On 14 March and 1 April 2011 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Bosnia and Herzegovina in respect of the facts giving rise to this application against an undertaking by the Government to pay him 1,000 euros to cover any non-pecuniary damage as well as costs and expenses, which would be converted into convertible marks at the rate applicable on the date of payment, and would be free of any taxes that may be applicable. The sum would 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 parties, furthermore, agreed that the Government would secure full enforcement of the domestic judgment under consideration in the present case in cash within nine months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention.

These payments 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.

Fatoş Aracı
Deputy Registrar

Lech Garlicki
President