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

THIRD SECTION

DECISION

Application no. 10354/17
Sava ŽIVOJNOVIĆ
against Serbia

The European Court of Human Rights (Third Section), sitting on 28 November 2017 as a Committee composed of:

Pere Pastor Vilanova, *President,*
Branko Lubarda,
Georgios A. Serghides, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 24 January 2017,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Sava Živojnović, is a Serbian national, who was born in 1954 and lives in Bečej. He was represented before the Court by Mr N. Kosanović, a lawyer practising in Bečej.

The Serbian Government ("the Government") were represented by their Agent, Ms N. Plavšić.

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

On 19 October 2017 and 15 September 2017 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 EUR 900 (nine hundred euros) to cover any and all non-pecuniary damage less any amounts which may have already been paid in that regard at the domestic level, and EUR 500 (five hundred euros) to cover any and

all costs and expenses, plus any tax that may be chargeable to the applicant. These sums will be converted into national currency at the rate applicable on the day of payment and payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. In the event of failure to pay these sums within the said three-month period, the Government undertook to pay simple interest on them, 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.

Done in English and notified in writing on 21 December 2017.

Fatoş Aracı
Deputy Registrar

Pere Pastor Vilanova
President