



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

SECOND SECTION

DECISION

Application no. 45555/05
by Milan JOCIĆ
against Serbia

The European Court of Human Rights (Second Section), sitting on
11 March 2008 as a Chamber composed of:

Françoise Tulkens, *President*,

Antonella Mularoni,

Ireneu Cabral Barreto,

Vladimiro Zagrebelsky,

Dragoljub Popović,

András Sajó,

Nona Tsotsoria, *judges*,

and Sally Dollé, *Section Registrar*,

Having regard to the above application lodged on 5 December 2005,

Having regard to the decision to apply Article 29 § 3 of the Convention
and examine the admissibility and merits of the case together,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Milan Jocić, is a Serbian national who was born in
1955 and lives in Velika Plana. He was represented before the Court by
Mr M. Bogosavljević, a lawyer practising in the same city. The Serbian
Government ("the Government") were represented by their Agent,
Mr S. Carić.

The facts of the case, as submitted by the parties, may be summarised as
follows.

In 1999 the applicant filed a civil claim against an insurance company with the Municipal Court (*Opštinski sud*) in Velika Plana, seeking damages for the injuries sustained in a traffic accident.

Following three remittals of the case prior to 3 March 2004, on 29 September 2006, the Municipal Court issued an interim judgment (*međupresuda*) in favour of the applicant.

On 29 August 2007 the District Court (*Okružni sud*) in Smederevo quashed this judgment on appeal.

On 20 December 2007 the Municipal Court ruled against the applicant.

On 24 January 2008 the applicant filed an appeal against this judgment.

The case thus appears to be still pending before the District Court.

COMPLAINTS

The applicant complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 about the length of the above proceedings.

THE LAW

On 7 February 2008 the Court received the following declaration signed by the Government's Agent:

"I declare that the Government of Serbia offer to pay *ex gratia* 1,500 euros to Mr Milan Jocić with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

This sum, which is to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be converted into the national currency at the rate applicable on the date of payment, and 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 undertake 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 pending before the European Court of Human Rights. The applicant's personal injury claim, pending domestically, shall be considered by the Serbian courts separately and is not affected by this declaration."

On 14 February 2008 the Court received a declaration signed by the applicant. This declaration, *inter alia*, read as follows:

"I note that the Government of Serbia are prepared to pay me *ex gratia* the sum of 1,500 euros with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights ... I accept the proposal and waive any further claims against Serbia in respect of the facts giving rise to this

application. I declare that this constitutes a final resolution of the case pending before the European Court of Human Rights. My personal injury claim, pending domestically, shall be considered by the Serbian courts separately and is not affected by this declaration.”

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 (Article 37 § 1 *in fine* of the Convention). In view of the above, it is appropriate to discontinue the application of Article 29 § 3 and to strike the case out of the Court’s list.

For these reasons, the Court unanimously

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

Sally Dollé
Registrar

Françoise Tulkens
President