



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

SECOND SECTION

CASE OF HENRY KROG PEDERSEN v. DENMARK

(Application no. 28064/95)

JUDGMENT

STRASBOURG

28 March 2000

This judgment is subject to editorial revision before its reproduction in final form in the official reports of selected judgments and decisions of the Court.

In the case of Henry Krog Pedersen v. Denmark,

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

Mr C.L. ROZAKIS, *President*,

Mr M. FISCHBACH,

Mr B. CONFORTI,

Mr G. BONELLO,

Mrs V. STRÁŽNICKÁ,

Mr A.B. BAKA,

Mr A. KOVLER, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 16 March 2000.

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 28064/95) against Denmark lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Danish national, Mr Henry Krog Pedersen (“the applicant”), on 19 March 1995. The application was registered on 31 July 1995. The applicant is not represented in the proceedings before the Court. The Danish Government are represented by their Agent, Mrs Nina Holst-Christensen.

2. The applicant complained under Article 6 § 1 of the Convention about the fairness and length of a set of civil proceedings.

3. On 2 December 1999 the Court declared the application admissible in so far it concerned the length of the proceedings.

4. On 19 January 2000, after an exchange of correspondence, the Section Registrar proposed to the parties to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 29 January 2000 and 1 February 2000 respectively the applicant and the Agent of the Government submitted formal declarations accepting a friendly settlement of the case.

AS TO THE FACTS

5. On 22 November 1988 the applicant instituted defamation proceedings in the Abenraa City Court (*byretten*) against the newspaper *Randers Amtsavis* and its editor. The case was subsequently transferred to

the Randers City Court which pronounced judgment in the case on 28 June 1996. The applicant appealed against the judgment to the High Court of Western Denmark (*Vestre Landsret*) which, by judgment of 27 October 1997, dismissed the case due to the fact that applicant had failed to comply with certain procedural requirements.

AS TO THE LAW

6. On 3 February 2000 the Court received the following declaration signed by the Agent of the Danish Government:

“I declare that the Government of Denmark offer to pay 50,000 DKK to Mr H. Krog Pedersen with a view to securing a friendly settlement of the application registered under no. 28064/95. This sum shall cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable immediately after the notification of the judgment delivered by the Court pursuant to the Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

The Government further undertake not to request the reference of the case to the Grand Chamber under Article 43 § 1 of the Convention.”

7. On 1 February 2000 the Court received the following declaration signed by the applicant:

“I note that the Government of Denmark are prepared to pay a sum totalling 50,000 DKK covering both pecuniary and non-pecuniary damage and costs to Mr H. Krog Pedersen with a view to securing a friendly settlement of the application no. 28064/95 pending before the Court.

I accept the proposal and waive any further claims in respect of Denmark relating to the facts of this application. I declare that the case is definitely settled.

This declaration is made in the context of a friendly settlement which the Government and the applicant have reached.

I further undertake not to request the reference of the case to the Grand Chamber under Article 43 § 1 of the Convention after the delivery of the Court’s judgment.”

8. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

9. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list.
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 28 March 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President