



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

SECOND SECTION

CASE OF SKOUBO v. DENMARK

(Application no. 39581/98)

JUDGMENT

STRASBOURG

6 July 2000

In the case of Skoubo v. Denmark,

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

Mr C.L. ROZAKIS, *President*,

Mr A. BAKA,

Mr B. CONFORTI,

Mr G. BONELLO,

Mr P. LORENZEN,

Mr M. FISCHBACH,

Mr E. LEVITS, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 22 June 2000,

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

PROCEDURE

1. The case originated in an application (no. 39581/98) 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 Egon Verner Skoubo (“the applicant”), on 21 November 1997. The application was registered on 30 January 1998.

2. The applicant is represented by Mr Tyge Trier, a lawyer practising in Frederiksberg (Denmark). The Danish Government (“the Government”) are represented by their Agent, Mrs Nina Holst-Christensen.

3. The applicant complained under Article 6 § 1 of the Convention about the length of proceedings concerning the determination of his claim for damages against the National Hospital.

4. The case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 to the Convention. On 9 March 2000, having obtained the parties’ observations, the Court declared the application admissible.

5. On 23 May 2000 and on 8 June 2000 the applicant’s representative and the Agent of the Government respectively submitted letters proposing a friendly settlement of the case.

THE FACTS

6. On 16 March 1988 the applicant brought an action for damages before the High Court of Eastern Denmark (*Østre Landsret*) against a public hospital for an alleged medical fault. On 17 June 1997 the High Court found

in favour of the defendant. The applicant appealed against the judgment to the Supreme Court (*Højesteret*) which pronounced judgment on 6 December 1999 and found partly in favour of the applicant.

THE LAW

7. On 23 May 2000 the Court received the following letter signed by the applicant's representative:

"The applicant has authorised me to make a friendly settlement whereby the Government compensates the applicant with DKK 20,000 with the addition of reasonable legal expenses. The payment can be made without any admittance of a violation of Article 6 (1)."

8. On 8 June 2000 the Court received the following letter from the Government:

".. I may inform you that the Government of Denmark is willing to accept the applicant's proposal that is to say, that the Government compensates the applicant with DKK 20,000 with the addition of reasonable legal expenses.

The Government would like to emphasize that the Government's proposal for a friendly settlement does not imply a recognition of the alleged violation of the Convention."

9. 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).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English, and notified in writing on 6 July 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President