



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

SECOND SECTION

CASE OF DEGRO v. SLOVAKIA

(Application no. 43737/98)

JUDGMENT

STRASBOURG

6 July 2000

In the case of DEGRO v. Slovakia,

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

Mr C.L. ROZAKIS, *President*,

Mr A.B. BAKA,

Mr G. BONELLO,

Mrs V. STRÁŽNICKÁ,

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. 43737/98) against the Slovak Republic 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 Slovak national, Mr František Degro (“the applicant”), on 15 August 1998.

2. The Slovak Government (“the Government”) were represented by their Agent, Mr R. Fico to whom Mr P. Vršanský later succeeded in the exercise of this function.

3. The applicant complained, *inter alia*, under Article 6 § 1 of the Convention about the length of a set of civil proceedings.

4. On 16 March 2000, after obtaining the parties’ observations, the Court declared the application admissible in so far as this complaint is concerned.

5. On 19 May 2000, after an exchange of correspondence, the Section Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 7 June 2000 and on 15 June 2000 the applicant and the Agent of the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

6. On 16 November 1993 the applicant challenged the validity of two sales contracts before the Prešov District Court (*Okresný súd*).

7. On 3 January 1994 the District Court requested the applicant to pay the court fees and invited the defendant company to submit its observations within twenty days. The parties complied with the requests on 5 January 1994 and on 25 March 1994 respectively.

8. A hearing scheduled for 12 October 1994 was adjourned and the defendant was requested to produce documentary evidence.

9. On 17 January 1995 the case was again adjourned as the District Court considered it necessary to examine the file of a different case.

10. On 10 February 1997 the District Court scheduled a hearing for 29 April 1997. The hearing was not held.

11. On 1 June 1997 the applicant challenged the Prešov District Court judge dealing with the case on the ground that the proceedings lasted unreasonably long.

12. On 10 September 1997 the Prešov Regional Court (*Krajský súd*) found that the District Court judge was not biased. In its decision the Regional Court pointed out that there were delays in the proceedings and expressed the view that the case should be proceeded with diligence.

13. On 3 December 1997 the Prešov District Court heard the parties and on 25 February 1998 it granted the applicant's action. The judgment became final on 20 April 1998.

THE LAW

14. On 15 June 2000 the Court received the following declaration signed by the Agent of the Government:

“I declare that the Government of the Slovak Republic offer to pay 100,000 Slovak korunas to Mr František Degro with a view to securing a friendly settlement of his application registered under No. 43737/98. This sum shall cover any damage and costs and it will be payable immediately after the notification of the judgment delivered by the Court pursuant to Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

The present declaration does not entail any acknowledgment by the Government of the Slovak Republic of a violation of the European Convention on Human Rights in the present case.

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

15. On 7 June 2000 the Court received the following declaration signed by the applicant:

“I note that the Government of the Slovak Republic are prepared to pay 100,000 Slovak korunas (covering both damage and costs) with a view to securing a friendly settlement of my application No. 43737/98 pending before the Court.

I accept the proposal and waive any further claims in respect of the Slovak Republic related to the facts of the aforesaid application until the delivery by the Court of a judgment pursuant to Article 39 of the European Convention on Human Rights. 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 pursuant to Article 43 § 1 of the Convention after the delivery of the Court's judgment."

16. 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).

17. 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 6 July 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President