



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

FIRST SECTION

CASE OF NORMANN v. DENMARK

(Application no. 44704/98)

JUDGMENT
(Friendly settlement)

STRASBOURG

20 December 2001

In the case of Normann v. Denmark,

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

Mr C.L. ROZAKIS, *President*,

Mrs F. TULKENS,

Mr P. LORENZEN,

Mrs N. VAJIĆ,

Mr E. LEVITS,

Mr A. KOVLER,

Mr V. ZAGREBELSKY, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 6 December 2001,

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

PROCEDURE

1. The case originated in an application (no. 44704/98) against the Kingdom of 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, Ms Kirsten Normann (“the applicant”), on 23 February 1998.

2. The applicant was represented by Mr Michael Alstrøm, a lawyer practising in Copenhagen. The Danish Government (“the Government”) were represented by their Agent, Mrs Nina Holst-Christensen, Ministry of Justice.

3. The applicant complained under Article 6 § 1 of the Convention about the length of proceedings concerning the determination of her claim for division of property against her former husband.

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 14 June 2001, having obtained the parties’ observations, the Court declared the application admissible.

5. On 10 October 2001 and 12 October 2001 the Agent of the Government and the applicant’s representative respectively submitted letters proposing a friendly settlement of the case, and on 1 November 2001 and on 5 November 2001 formal declarations in this respect were submitted.

THE FACTS

6. By judgment of 30 October 1991 the City Court of Copenhagen (*Københavns Byret*) granted the applicant a divorce from her husband. The division of their property was not decided in the judgment. As the applicant and her former husband were not able to reach an agreement on this point, the Probate Court of Tårnby (*Skifteretten i Tårnby*) was asked, in the beginning of 1992, to decide on the matter. The Probate Court pronounced its decision on 19 November 1999. The applicant appealed against the decision to the High Court of Eastern Denmark (*Østre Landsret*), before which the case ended on 13 November 2000 subsequent to a friendly settlement between the applicant and her former husband.

THE LAW

7. On 1 November 2001 the Agent of the Government submitted to the Court the following declaration:

“I declare that the Government of Denmark offer to pay DKK 45,000 to Kirsten Norman with a view to securing a friendly settlement of the application registered under no. 44704/98. This sum shall cover any pecuniary and non-pecuniary damage. Furthermore, the Government offer to pay DKK 40,000 plus VAT to Kirsten Norman to cover her costs. The sums will be payable within three months from the date of delivery of the judgment by the Court pursuant to Article 39 of the European Convention on Human Rights. The payment will constitute the final resolution of the case.

The Government further undertake not to request that the case be referred to the Grand Chamber”.

8. On 5 November 2001 the applicant’s representative submitted to the Court the following declaration signed by the applicant:

“I note that the Government of Denmark are prepared to pay me the sum of DKK 45,000 covering pecuniary and non-pecuniary damage and DKK 40,000 plus VAT covering costs with a view to securing a friendly settlement of application no. 44704/98 pending before the Court.

I accept the proposal and waive any further claims against Denmark in respect of the facts of this application. I declare that this constitutes a final settlement of the case.

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

I further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after the Court’s judgment has been delivered.”

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

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 20 December 2001, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President