



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

FOURTH SECTION

CASE OF J.K. v. SLOVAKIA

(Application no. 38794/97)

JUDGMENT
(Friendly settlement)

STRASBOURG

23 July 2002

This judgment is final but it may be subject to editorial revision.

In the case of J.K. v. Slovakia,

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

Sir Nicolas BRATZA, *President*,

Mrs E. PALM,

Mrs V. STRÁŽNICKÁ,

Mr M. FISCHBACH,

Mr J. CASADEVALL,

Mr R. MARUSTE,

Mr S. PAVLOVSKI, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 9 July 2002,

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

PROCEDURE

1. The case originated in an application (no. 38794/97) 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 Slovakian national, Mr J.K., ("the applicant"), on 1 March 1996.

2. The Slovakian Government ("the Government") were represented by their Agent, Mr P. Vršanský. The President of the Chamber acceded to the applicant's request not to have his name disclosed (Rule 47 § 3 of the Rules of Court).

3. The applicant complained under Article 6 § 1 of the Convention about the length of a number of different sets of civil proceedings.

4. The application was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 of the Convention.

5. On 13 September 2001, having obtained the parties' observations, the Court declared admissible the applicant's complaint of the length of six sets of proceedings and declared inadmissible the remainder of the application.

6. On 2 October 2001 the Government informed the Court that the applicant had died on 20 July 2001.

7. On 29 October 2001 the applicant's widow, Mrs B.K. informed the Court that she wished to pursue the application.

8. On 1 November 2001 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed Fourth Section.

9. On 25 January 2002, the respondent Government informed the Court that they were willing to settle the case on the terms suggested by the Court's Registry. On 28 January 2002, the applicant's widow informed the

Court that she was willing to accept the terms for a settlement suggested by the Registry. On 19 February 2002, both parties submitted a formal declaration for the purposes of a friendly settlement of the case.

THE FACTS

10. In July 1991 the applicant and his wife lodged an action with the Bratislava II District Court (then *Obvodný súd*, at present *Okresný súd*). It comprised various claims against several defendants. As the submissions were unclear, the applicant was invited to submit further information. He did so in September 1991, on 12 and 31 December 1991 and on 16 and 22 September 1992. On 25 January 1993 the applicant filed another action claiming restitution of real property.

11. On 16 June 1993 the applicant's claims became the subject of several sets of proceedings. In addition, a separate set of proceedings was later brought before the Bratislava City Court (then *Mestský súd*, at present *Krajský súd*). These various sets of proceedings included the six set out below:

- pending proceedings, having originated in the applicant's submissions of 16 September 1992, relating to the applicant's claim for restitution of immovable property located in Bratislava - Prievoz;
- pending proceedings, having originated in the submissions of July 1991, concerning the applicant's claim for restitution of land in Podunajské Biskupice and a claim for damages;
- pending proceedings, having originated in the applicant's submissions of 5 September 1991 as supplemented on 22 September 1992, concerning an ownership claim of a plot of land in Bratislava - Malé Pálenisko and a claim for damages;
- pending proceedings, having originated in the applicant's submissions of 22 September 1992, concerning a claim for restitution of jewellery taken away from the applicant's family;
- proceedings, having originated in the applicant's submissions of 22 September 1992, relating to the applicant's claim for damages;
- proceedings, having originated in the applicant's submissions of July 1991, on compensation for compulsory military service which ended on 9 December 1998 when a final judgment was given by the Bratislava Regional Court (*Krajský súd*).

THE LAW

12. On 5 March 2002 the Court received the following declaration from the Government:

“I declare that, with a view to securing a friendly settlement of the above-mentioned case, the Government of Slovakia offer to pay 110,000 Slovakian korunas to <the applicant's widow>. This sum is to cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable within three months from the date of delivery of the judgment 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 that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention.”

13. On 27 February 2002 the Court received the following declaration signed by the applicant's widow:

“I note that the Government of Slovakia are prepared to pay me the sum of 110,000 Slovakian korunas covering pecuniary and non-pecuniary damage and costs 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 Slovakia 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 delivery of the Court's judgment.”

14. 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).

15. 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 23 July 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Nicolas BRATZA
President