



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

FOURTH SECTION

CASE OF ROTREKL v. SLOVAKIA

(Application no. 65640/01)

JUDGMENT
(Friendly settlement)

STRASBOURG

8 April 2003

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

In the case of Rotrekl v. Slovakia,

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

Mr M. PELLONPÄÄ, *President*,

Mrs E. PALM,

Mrs V. STRÁŽNICKÁ,

Mr M. FISCHBACH,

Mr J. CASADEVALL,

Mr R. MARUSTE,

Mr L. GARLICKI, *judges*,

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

Having deliberated in private on 18 March 2003,

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

PROCEDURE

1. The case originated in an application (no. 65640/01) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Czech national, Mr Mojmír Rotrekl ("the applicant"), on 12 December 2000.

2. The Government of the Slovak Republic ("the Government") were represented by their Agent, Mr P. Vršanský.

3. On 18 June 2002 the Fourth Section declared the application partly inadmissible and decided to communicate the complaint concerning the length of the proceedings to the Government. Under the provisions of Article 29 § 3 of the Convention, it decided to examine the merits of the application at the same time as its admissibility.

4. On 7 and 9 January 2003, the Government and the applicant respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. The applicant was born in 1922 and lives in Dřevnovice (Czech Republic).

6. On 9 April 1991 the applicant claimed compensation from a person who had damaged his car.

7. On 3 February 1994 the Košice - okolie District Court allowed the applicant's claims in part. On 6 December 1995 the Banská Bystrica Regional Court quashed the first instance judgment.

8. On 17 November 1999 the Košice - okolie District Court noted that the applicant had withdrawn a part of his action and discontinued the proceedings in respect of the relevant claims. It further dismissed the remainder of the applicant's action.

9. On 3 January 2000 the applicant appealed against the decision to dismiss his action. He also challenged the District Court's decision on the expert's fees.

10. On 23 May 2000 the Banská Bystrica Regional Court upheld the District Court's decision to dismiss the applicant's action.

11. On 27 June 2000 the applicant filed an appeal on points of law. The Supreme Court rejected it, on 28 September 2000, as being inadmissible.

THE LAW

12. The applicant complained that the length of the proceedings had been incompatible with the “reasonable time” principle provided in Article 6 § 1 of the Convention.

A. Admissibility

13. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. The remainder of the application must therefore be declared admissible.

B. Solution reached

14. On 7 January 2003 the Court received the following declaration signed by the Agent of the Government:

“I declare that, with a view to securing a friendly settlement of the above-mentioned case, the Government of the Slovak Republic offer to pay 100,000 (one hundred thousand) Slovakian korunas to Mr Mojmír Rotrekl. 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.

This declaration does not entail any acknowledgement by the Government of a violation of the European Convention on Human Rights in the present case.

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

15. On 9 January 2003 the Court received the following declaration signed by the applicant:

“I note that the Government of the Slovak Republic are prepared to pay me the sum of 100,000 (one hundred thousand) 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 the Slovak Republic 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 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. *Declares* the remainder of the application admissible;
2. *Decides* to strike the case out of the list;
3. *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 8 April 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Matti PELLONPÄÄ
President