



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

FOURTH SECTION

CASE OF NEZBEDA v. SLOVAKIA

(Application no. 56452/00)

JUDGMENT
(Friendly Settlement)

STRASBOURG

29 April 2003

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

In the case of Nezbeda v. Slovakia,

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

Sir Nicolas BRATZA, *President*,

Mr M. PELLONPÄÄ,

Mrs V. STRÁŽNICKÁ,

Mr R. MARUSTE,

Mr S. PAVLOVSKI,

Mr L. GARLICKI,

Mr J. BORRERO BORRERO, *judges*,

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

Having deliberated in private on 1 April 2003,

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

PROCEDURE

1. The case originated in an application (no. 56452/00) 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 Slovakian national, Karol Nezbeda ("the applicant"), on 7 February 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 complaints concerning the length of the proceedings and the alleged absence of an effective remedy to the Government. Under the provisions of Article 29 § 3 of the Convention, it decided to examine the merits of the remainder of the application at the same time as its admissibility.

4. On 10 December 2002 and on 16 December 2002, the applicant and the Agent of the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. The applicant was born in 1942 and lives in Závadka nad Hronom.

6. On 27 September 1994 the applicant claimed a sum of money from an insurance company before the Banská Bystrica District Court.

7. On 17 May 1995 the District Court transferred the case to the Banská Bystrica Regional Court for reasons of jurisdiction.

8. On 23 July 1997 the vice-president of the Banská Bystrica Regional Court informed the applicant, in reply to the latter's complaint, that the case could not be proceeded with as the representative of the defendant company had failed to appear at hearings scheduled for 4 June 1996, 26 November 1996 and 6 May 1997.

9. On 27 February 1998 the Regional Court allowed the applicant to amend his claims.

10. On 11 November 1998 the Banská Bystrica Regional Court allowed the applicant's action in part and dismissed the remaining claims. The Regional Court further decided that neither party had the right to have the costs reimbursed.

11. On 8 June 1999 the applicant complained that the judgment with reasons had not yet been served on him. On 20 July 1999 the president of the Regional Court admitted that the complaint was justified and informed the applicant that the judgment would be sent out shortly. It was served on the applicant on 2 August 1999.

12. Both the applicant and the defendant company appealed. On 7 October 1999 the applicant withdrew his appeal.

13. On 30 August 2000 the Supreme Court discontinued the appellate proceedings as the defendant had failed to submit reasons for the appeal.

THE LAW

14. 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, and that he had no effective remedy at his disposal in this respect as required by Article 13 of the Convention.

A. Admissibility

15. The Court notes that these complaints are not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that they are not inadmissible on any other grounds. The remainder of the application must therefore be declared admissible.

B. Solution reached

16. On 10 December 2002 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 47,614 (forty-seven thousand six hundred and fourteen) 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 delivery of the Court's judgment."

17. On 16 December 2002 the Court received the following declaration from 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 47,614 (forty-seven thousand six hundred and fourteen) Slovakian korunas to Mr Karol Nezbeda. 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."

18. 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).

19. 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 29 April 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Nicolas BRATZA
President