



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

FOURTH SECTION

CASE OF MICOVČIN v. SLOVAKIA

(Application no. 54822/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

27 May 2003

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

In the case of Micovčín 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 6 May 2003,

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

PROCEDURE

1. The case originated in an application (no. 54822/00) 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, Mr Bystrík Micovčín ("the applicant"), on 12 November 1999.

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

3. On 18 June 2002 the Fourth Section decided to communicate the application 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 14 and 26 February 2003, the Government and the applicant respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. On 22 February 1989 the applicant filed a claim for damages with the Košice 1 District Court. He claimed compensation from a person whom a criminal court had previously convicted of the offence of wounding the applicant.

6. An expert appointed by the court submitted his opinion on 24 February 1990. On 22 March 1991 the applicant requested that a supplementary expert opinion be ordered. A second expert was appointed in 1991. On 7 February 1994 he returned the case file to the District Court

with the explanation that the applicant had failed to attend an examination. On 21 June 1995 the expert was again requested to submit an opinion. The expert returned the case file to the District Court on 29 April 1997 without having elaborated an opinion. On 9 June 1997 the District Court imposed a procedural fine on the expert.

7. On 16 February 1998 the Constitutional Court found that the applicant's constitutional right to a hearing without delays had been violated in the proceedings before the Košice 1 District Court. In its decision the Constitutional Court noted that the case was not complex and that the District Court had failed to ensure that the case be proceeded with without delays.

8. On 7 September 1998 the applicant extended his action.

9. On 25 September 1998 the Košice 1 District Court awarded damages to the applicant in accordance with his original action. It further dismissed the applicant's request that the action be extended.

10. Both the applicant and the defendant appealed.

11. On 25 May 2000 the Košice Regional Court upheld the first instance judgment.

THE LAW

12. The applicant complained that the length of the proceedings had been incompatible with the "reasonable time" requirement, provided in Article 6 § 1 of the Convention, which reads as follows:

"In the determination of his civil rights and obligations ..., everyone is entitled to a fair ... hearing ... by [a] ... tribunal..."

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 Court therefore declares this complaint admissible.

B. Solution reached

14. On 14 February 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 140,000 (one hundred forty thousand) Slovakian korunas to Mr Bystrík Micovčín. 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 acknowledgment 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 26 February 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 140,000 (one hundred forty 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 delivery of the Court’s judgment.”

16. The Court takes note of the agreement reached between the parties. 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 and 4 of the Rules of Court).

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the application admissible;
2. *Decides* to strike the case out of the list;
3. *Takes note* of the parties’ understanding not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 27 May 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Nicolas BRATZA
President