



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

FOURTH SECTION

CASE OF SISÁK v. SLOVAKIA

(Application no. 62191/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

27 May 2003

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

In the case of Sisák 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. 62191/00) 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 Ladislav Sisák ("the applicant"), on 14 September 2000.

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 9 January and 14 February 2003 the applicant and the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. On 23 May 1988 the applicant filed an action for damages with the Košice I District Court. He claimed compensation from several persons on the ground that his house had been damaged as a result of a road traffic accident.

6. On 3 November 1993 the Košice I District Court allowed the applicant's claims in part.

7. The applicant and one of the defendants appealed. The case file was submitted to the Košice Regional Court on 27 February 1995. On 24 August

1995 the latter quashed a part of the first instance judgment and ordered the District Court to take further evidence on the relevant claims.

8. The District Court instructed an expert to submit an opinion, and it heard the parties on 18 December 1995 and on 23 April 1996. A second expert was appointed by a decision delivered on 2 December 1997. He submitted the opinion on 31 December 1997. The applicant challenged both the expert and the District Court judge.

9. The case file was submitted to the Regional Court, between 12 January 1998 and 12 March 1998, which granted the applicant's request for exclusion of the District Court judge.

10. On 23 July 1998 the District Court asked the parties to submit comments on the expert opinion. The applicant replied on 3 August 1998.

11. The case was adjourned on 26 October 1998, on 30 November 1998, on 8 February 1999 and on 22 March 1999. On 20 July 1999 the District Court appointed another expert who submitted her opinion on 17 September 1999. Hearings before the District Court were held on 2 May 2000 and on 30 October 2000.

12. On 24 October 2000 the Constitutional Court found that the Košice I District Court had violated the applicant's constitutional right to have his case examined without undue delay. In its finding, the Constitutional Court held that the complex character of the case could not, on its own, justify the overall length of the proceedings, and that no delays in the proceedings could be imputed to the applicant. The Constitutional Court further held that the Košice I District Court had remained inactive for an overall period of approximately four years.

13. On 15 January 2001 the Košice I District Court delivered a second judgment on the case. It became final on 11 May 2001.

THE LAW

14. 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

15. 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

16. 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 100,000 (one hundred thousand) Slovakian korunas to Mr Ladislav Sisák. 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.”

17. On 9 January 2003 the Court had 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 delivery of the Court’s judgment.”

18. 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).

19. Accordingly, the case should be struck out of the list.

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' undertaking 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