



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

FOURTH SECTION

CASE OF RUSNÁKOVÁ v. SLOVAKIA

(Application no. 63999/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

27 May 2003

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

In the case of Rusnáková 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. PAVLOVSCHI,

Mr L. GARLICKI,

Mr J. BORREGO BORREGO, *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. 63999/00) 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, Mrs Renáta Rusnáková ("the applicant"), on 26 November 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 14 and 18 February 2003, the Government and the applicant respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. On 24 February 1999 the applicant claimed before the Prešov District Court that the maintenance which her former husband had been earlier ordered to pay in respect of their two minor children should be increased.

6. The first hearing in the case was scheduled for 24 May 2000.

7. On 1 June 2000 the Constitutional Court found that the Prešov District Court had violated the applicant's constitutional right to have her case examined without undue delay. In its finding, the Constitutional Court held, in particular, that what was at stake for the applicant required special

diligence and that the District Court had remained inactive for approximately fifteen months. The Constitutional Court considered irrelevant that the delay was due to the heavy workload of the judges.

8. On 8 November 2000 the Prešov District Court increased the maintenance due by the applicant's former husband with retroactive effect.

9. The applicant appealed and claimed that the increase awarded should be higher.

10. On 31 May 2001 the Prešov Regional Court delivered a judgment by which it increased the sums which the applicant's former husband was to pay. The Regional Court's judgment was served on the applicant on 25 July 2001.

THE LAW

11. 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

12. 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

13. 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 30,000 (thirty thousand) Slovakian korunas to Mrs Renáta Rusnáková. 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.”

14. On 18 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 30,000 (thirty 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.”

15. 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).

16. 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