



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

FOURTH SECTION

CASE OF SLOVÁK v. SLOVAKIA

(Application no. 57985/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

3 June 2003

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

In the case of Slovák v. Slovakia,

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

Sir Nicolas BRATZA, *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 13 May 2003,

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

PROCEDURE

1. The case originated in an application (no. 57985/00) 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 Marián Slovák ("the applicant"), on 2 March 2000.

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

3. On 14 May 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 26 February and 5 March 2003 the Government and the applicant respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. On 2 January 1995 the applicant filed an action for rehabilitation with the Bratislava City Court. He alleged that he had been persecuted for political reasons between 1972 and 1973 and claimed compensation. On 6 February 1995 the City Court decided to transfer the case to the Bratislava I District Court for reasons of jurisdiction.

6. On 11 March 1996 the District Court discontinued the proceedings on the ground that the applicant had failed to substantiate his action. On

26 June 1996 the Bratislava City Court quashed the District Court's decision of 11 March 1996.

7. On 19 May 1997 the District Court dismissed the applicant's request for waiver of court fees. On 28 August 1997 the Bratislava Regional Court upheld this decision. Between 24 September 1996 and 30 October 1998 the Bratislava I District Court took several procedural steps.

8. The first hearing was scheduled for 25 March 1999. The case was adjourned as the applicant could not attend. On 20 May 1999 the case had to be adjourned again as the applicant's summons had been sent to a wrong address.

9. On 2 September 1999 the Constitutional Court found that the Bratislava I District Court had violated the applicant's constitutional right to have his case examined without undue delays. In its finding the Constitutional Court noted, in particular, that the Bratislava I District Court had failed to proceed with the case in an appropriate manner.

THE LAW

10. 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

11. 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

12. On 26 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 and forty thousand) Slovakian korunas to Mr Marián Slovák. 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.”

13. On 5 March 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 and 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.”

14. 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).

15. 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 3 June 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O’BOYLE
Registrar

Nicolas BRATZA
President