



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

FOURTH SECTION

CASE OF ZUZČÁK and ZUZČÁKOVÁ v. SLOVAKIA

(Application no. 48814/99)

JUDGMENT

STRASBOURG

13 July 2004

FINAL

13/10/2004

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Zuzčák and Zuzčáková 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. BORREGO BORREGO, *judges*,

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

Having deliberated in private on 22 June 2004,

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

PROCEDURE

1. The case originated in an application (no. 48814/99) 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 Slovakian nationals, Mr Jozef Zuzčák ("the first applicant") and his wife Mrs Františka Zuzčáková ("the second applicant"), on 28 February 1999.

2. The Slovakian Government ("the Government") were represented by their Agent, Mr P. Vršanský to whom Mr P. Kresák succeeded on 1 April 2003.

3. On 2 July 2002 the Court 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.

THE FACTS

4. The first applicant was born in 1932, lives in Bratislava and is of fragile health. The second applicant was born in 1941 and also lived in Bratislava. She died on 28 October 2001 during the proceedings before the Court. In a letter of 2 April 2004 the first applicant informed the Court that he wished to pursue the application also in the name of the late second applicant.

1. Proceedings concerning the validity of the purchase contract of 1989

5. In 1989 the applicants concluded a contract with the State represented by the Bratislava II Housing Administration (*bytový podnik*) under which they purchased a family house located in Bratislava. The house had originally belonged to spouses S. Mrs S was a foreign national. The spouses S. had left the former Czechoslovakia in 1982. Mr S. was subsequently convicted of having stayed abroad illegally and sentenced to forfeiture of all his property. The house thus passed to the State.

6. In 1990 the Bratislava II District Court (*okresný súd*) rehabilitated Mr S. by cancelling his criminal conviction.

7. On 24 April 1991 the spouses S. lodged a civil action against the applicants and the State in the person of the Housing Administration with the Bratislava II District Court seeking a judicial ruling declaring the purchase contract of 1989 void.

8. On 18 March 1992 the Convention entered into force in respect of the former Czech and Slovak Federal Republic, to which Slovakia is one of the successor states. Prior to this date, the parties appointed lawyers to represent them in the proceedings, the Housing Administration submitted written observations in reply, the District Court held three hearings and sought information from the Ministry of the Interior and the Ministry of Finance as to what legal status had Mrs S. had as a foreigner in the former Czechoslovakia and whether this legal status had qualified her under the applicable foreign exchange rules to acquire immovable property.

9. On 15 July 1992 the District Court requested information about the legal status of Mrs S. from the Police.

10. On 23 September 1992 the District Court held a hearing at which the plaintiffs were not present in person. They were however represented by their lawyer. The Housing Administration was not present. The hearing was adjourned with a view to summoning the legal representative of the applicants.

11. On 14 December 1992, following a hearing, the District Court declared the purchase contract of 1989 void. It found that Mrs S. had not been entitled to acquire the ownership of the house. Spouses S. thus had not become its legal owners. All later dispositions concerning the house had consequently been void. On 12 March 1993 the applicants appealed. On 4 June 1993 the Housing Administration also appealed.

12. On 30 September 1993 the Bratislava Regional Court (then *mestský súd*, at present *krajský súd*) quashed the District Court's judgment. It held that the first instance court had failed to establish the facts of the case sufficiently and to give adequate reasons for its decision which thus could not be reviewed. The case-file was returned to the District Court on 9 December 1993.

13. On 10 November 1994 the District Court listed a hearing for 18 January 1995. The plaintiffs were represented at this hearing by their lawyer. The case was adjourned and the District Court ordered the plaintiffs to submit further documentary evidence.

14. On 18 October 1995 the District Court judge dealing with the case was replaced by another judge as the former had left for legal training at the Ministry of Justice. The new judge made requests for further information to the plaintiffs and the Police.

15. On 28 November 1995 and 5 May 1996 the District Court repeatedly requested information from the Police concerning the legal status of Mrs S. as a foreigner at the relevant time. The Police replied on 31 May 1996.

16. On 9 October 1996 the District Court held another hearing. One of the plaintiffs attended accompanied by their lawyer. The representative of the Housing Administration was not present. The hearing was adjourned with a view to obtaining further information concerning Mrs S.

17. In a letter of 12 November 1996 the Police informed the District Court that, between 1974 and 1982, Mrs S. had been a lawful permanent resident in Czechoslovakia.

18. In a letter of 24 July 1996 the President of the District Court informed the applicants that she had found no unjustified delays in the proceedings. The letter stated that the judge dealing with the case had a heavy workload and that a hearing was scheduled for 9 October 1996.

19. In a letter of 2 August 1996 the applicants disagreed with the President's reply and argued that the last hearing in the case had been held more than three and a half years ago. In a letter of 6 August 1996 the Vice-President of the District Court informed the applicants that she had found no reasons for changing the position taken by the President of the District Court on 24 July 1996.

20. On 22 January 1997, following another hearing, the District Court delivered a new judgment by which it dismissed the action. It found that Mr S. had lost his share of the ownership of the house by the forfeiture imposed on him in his criminal proceedings. It further found that Mrs S. had lost her share in the house by abandoning it (*derelictio*) and by taking up residence abroad. The District Court concluded that the title to the house had lawfully passed to the State and that it was later properly conveyed to the applicants by means of sale.

21. On 13 March 1997 the plaintiffs appealed. On 6 May 1997 the Housing Authority filed its observations in reply.

22. On 18 June 1997 the Bratislava Regional Court (*krajský súd*) held a hearing on the appeal. One of the plaintiffs attended accompanied by their lawyer. The applicants were represented by their lawyer. The hearing was adjourned and the plaintiffs were ordered to submit further documentary evidence. They did so on 24 June 1997.

23. On 24 September 1997, following a hearing, the Bratislava Regional Court overturned the District Court's judgment of 22 January 1997. It found that the house had originally belonged to spouses S. as their undivided matrimonial co-ownership. The conviction of Mr S. entailed the dissolution of this co-ownership and the passing of his share in the house to the State. However, the share of Mrs S. remained unaffected. Any dispositions concerning the house therefore necessitated her consent. As the contract of 1989 was concluded without her consent, it was void.

24. On 3 December 1997 the applicants filed an appeal on points of law. On 22 December 1997 and on 17 February 1998 they were requested to pay the court fees which they did on 24 February 1998. In the meantime, on 23 February 1998, the plaintiffs filed their observations in reply.

25. On 23 April 1998, in reply to their complaint, the President of the District Court dismissed the applicants' complaint about the length of the proceedings as being unsubstantiated. The letter stated that the case-file had been submitted to the Supreme Court (*Najvyšší súd*) for a decision on the appeal on points of law on 14 April 1998.

26. On 16 December 1998 the Supreme Court quashed the Regional Court's judgment of 24 September 1997 as well as the District Court's judgment of 22 January 1997. It remitted the case to the District Court for a new adjudication. It expressed the view that the contract in question was unlawful only to the extent that it concerned the share of Mrs S. However, it was lawful in so far it concerned the share of Mr S. This share had lawfully passed from him to the State by means of forfeiture and from the State to the applicants by means of sale. In the given circumstances, the latter transfer did not necessitate the consent of Mrs S. The judgment and the case-file were transmitted to the District Court on 8 February 1999.

27. The hearing listed by the District Court for 13 September 1999 was adjourned at the applicants' request, as, due to his health problems, the first applicant could not appear.

28. On 22 November 1999 the District Court held a hearing at which the plaintiffs were represented by their lawyer. The representative of the Housing Authority was not present. At the hearing the applicants withdrew the power of attorney from their lawyer and objected that they had not been served a copy of the Supreme Court's judgment. The hearing was adjourned until 10 February 2000.

29. On 21 December 1999 the applicants filed a counter-claim seeking compensation for the house in question and for pecuniary and non-pecuniary damage they alleged that they had suffered.

30. On 10 February 2000 the District Court held a hearing at which the applicants withdrew their counter-claim. The proceedings on it were consequently discontinued.

31. On 6 April 2000, following a hearing, the District Court gave a new judgment. It found that the contract of 1989 was void to the extent that it

concerned the half of the property which belonged to Mrs S as that part of the property had not been transferred to State ownership prior to the sale to the applicant. After the judgment had been served on the parties and the period for filing an appeal had expired, the judgment became final and binding on 6 June 2000.

2. *Proceedings concerning the applicants' claim for damages*

32. On 13 March 2000 the applicants filed a submission with the Bratislava II District Court in which they maintained that the State was responsible for the extensive length of the proceedings concerning the validity of the purchase contract of 1989. They also maintained that the State was responsible for the fact that the contract was void. They sought to be provided with appropriate accommodation and compensated for both material and moral damage. On 10 August 2000 the District Court informed the applicants that the submission was unclear and that it did not meet the formal requirements for commencing proceedings. The District Court invited the applicants to remedy the shortcomings within 10 days. On 16 October 2000 the applicants filed further submissions and, on 18 November 2000, they demanded that the District Court deal with the case speedily.

33. In a letter of 8 March 2001, in reply to the applicants' complaint, the President of the District Court acknowledged that there had been undue delays in the proceedings in that the judge responsible for the case had taken no procedural steps and, since December 2000, she had been on maternity leave. On 23 March 2001 the President of the Regional Court sent a letter to the President of the District Court in which she referred to the latter's response to the applicants' complaint. She found that, despite her previous notice, the applicants' case was still not being dealt with. She requested that the President of the District Court take effective measures in the matter and advised him that a failure to do so would entail consequences.

34. On 7 September 2001 the District Court discontinued the proceedings on the ground that the applicants' submissions were confused and did not meet the statutory requirements. The decision became formally final and binding on 17 October 2001 (see below).

35. In a letter dated 15 October 2001 the applicants requested the District Court that the time-limit for eliminating shortcomings in their submissions be extended to 30 October 2001. On the same day, they requested the Slovak Bar Association that a lawyer be appointed to represent them *ex officio* and free of charge. On 5 November 2001 the first applicant again requested an extension of the above time-limit until 1 December 2001.

36. On the advice of the Bar Association, the first applicant asked the District Court to grant him free legal assistance and to assign a lawyer to him on 15 November 2001 and on 8 January 2002.

37. On 12 February 2002 the first applicant requested that the District Court re-open the proceedings on his claim against the State and that it grant him free legal assistance. On 12 April 2002 the District Court invited the first applicant to pay the court fee.

38. On 6 August 2002 the District Court dismissed the first applicant's request for free legal assistance. It observed that the re-opening of proceedings which had been discontinued on the grounds of formal defects in the action was inadmissible under the applicable procedural rules. The District Court therefore considered the first applicant's request for re-opening devoid of any prospect of success, in which case no free legal aid could be granted.

39. On 29 October 2002, on the first applicant's appeal, the Regional Court quashed the District Court's decision of 6 August 2002. It considered that the first applicant's submissions were incomprehensible. They could only be decided upon once the District Court further explored and safely established their legal nature which the Regional Court instructed it to do.

40. The District Court summoned the first applicant for 17 March and for 5 May 2003 for an informative hearing in order to determine the legal nature of his submissions. The first applicant apologised for not being able to take part in the hearing of 17 March due to his health problems. In a letter of 9 April 2003 he again requested that the District Court grant him free legal aid and appoint a legal representative to him.

41. On 26 August 2003 the District Court acceded to the first applicant's request and assigned an advocate to assist him in formulating his claim. The case-file contains no further information concerning the development, current state and possible outcome of the proceedings on the first applicant's claim.

3. Proceedings before the Constitutional Court

42. In a letter of 23 November 2000 the applicants demanded that the Constitutional Court "assist them in expediting the proceedings concerning the validity of the purchase contract of 1989". In a letter of 27 December 2000 a single Constitutional Court judge informed the applicants that the expediting of court proceedings fell outside the Constitutional Court's jurisdiction. In a letter of 15 January 2001 the applicants reiterated their request. On 6 February 2001 the Constitutional Court judge informed them that he had found no reasons to change his previous position.

43. On 6 September 2001 the applicants again requested that the Constitutional Court expedite the proceedings concerning the validity of the purchase contract of 1989. In a letter of 20 September 2001 the constitutional judge informed the applicants that their submission did not meet the requirements for a formal constitutional complaint. At the same time the judge advised the applicants of the requirements in question and requested that he remedy his submission accordingly within 15 days. On

15 October 2001 the Constitutional Court judge granted the applicants' request to extend the time-limit for remedying his submission until 26 October 2001.

44. On 13 November 2001 the first applicant asked the Constitutional Court to assign a lawyer *ex officio* and free of charge to him. By a decision of 4 December 2001 the Constitutional Court granted the request. On 8 January 2002 the first applicant again requested that the Constitutional Court assign a lawyer *ex officio* and free of charge to him. The case-file contains no further information concerning the development, current state and possible outcome of the proceedings before the Constitutional Court.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

45. The applicants complained that the judges involved in the proceedings concerning the validity of the purchase contract of 1989 and in the proceedings concerning their claim for damages lacked impartiality and delivered arbitrary decisions and that the length of these proceedings had been incompatible with the "reasonable time" requirement, in breach of 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 within a reasonable time by an ... impartial tribunal..."

A. Admissibility

1. Complaint about the lack of impartiality of the tribunal in the proceedings concerning the validity of the purchase contract of 1989

46. The Court notes that the applicants did not formally challenge the impartiality of the judges involved in the proceedings before the domestic courts.

47. It follows that this complaint must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

2. Complaint about unfairness of the proceedings concerning the validity of the purchase contract of 1989

48. The Court observes that, although they could have done so, the applicants have not challenged the judgment of the District Court of 6 April 2000 by filing an appeal to the Regional Court.

49. It follows that this complaint must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

3. Complaints about the lack of impartiality of the tribunal and about unfairness of the proceedings on the applicants' claim for damages

50. The Court notes that the applicants have not challenged the impartiality of the judges involved in their proceedings before the domestic courts. The Court also notes that the proceedings on the applicants' claim for damages of 2000 were discontinued by a decision of the Bratislava II District Court of 7 September 2001 due to formal shortcomings in the action. Although the applicants could have challenged this decision by an appeal to the Bratislava Regional Court, they have not availed themselves of this remedy.

51. It follows that the relevant part of the application must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

52. As to the applicants' subsequent submissions to courts in respect of their claim for damages, the Court notes the legal nature of these submissions has not yet been determined and that the domestic courts have to date taken no decision on their merits.

53. It follows that the relevant part of the application is premature and must also be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

4. Complaint about the length of the proceedings concerning the applicants' claim for damages

54. As to the proceedings on the applicants' action for damages of 2000, the Court notes that these proceedings commenced on 13 March 2000 when the action was filed and ended on 7 September 2001 when the District Court decided to discontinue them. They thus lasted 1 year and less than 6 months. In this time the District Court requested the applicants to formulate their claim clearly and in accordance with the applicable procedural requirements. The District Court eventually discontinued the proceedings as the applicants' submissions were incomprehensible. In these circumstances, the Court has found no indication that the length of these proceedings was incompatible with the "reasonable time" requirement within the meaning of Article 6 § 1 of the Convention.

55. It follows that the relevant part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

56. As to the applicants' subsequent submissions concerning their claim for damages, the Court has found that the complaint under Article 127 of the Constitution, as in effect from 1 January 2002, is an effective remedy, both

in law and in practice, in the sense that it is capable of preventing the continuation of the alleged violation of the right to a hearing without undue delays and of providing adequate redress for any violation that has already occurred. It has held that the applicants in cases against Slovakia complaining about delays in proceedings which were still pending after 1 January 2002 should have recourse to this remedy notwithstanding that it was enacted after their applications had been filed with the Court or the European Commission of Human Rights (see *Andrášik and Others v. Slovakia* (dec.), nos. 57984/00, 60237/00, 60242/00, 60679/00, 60680/00, 68563/01, 60226/00, 22 October 2002). The applicants have however not shown that they made full use of this remedy in accordance with the applicable procedural rules.

57. It follows that the relevant part of the application must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

5. Complaint about the length of the proceedings concerning the validity of the purchase contract of 1989

58. The Government contested the applicant's argument that the length of these proceedings was excessive.

59. The period to be taken into consideration began only on 18 March 1992, when the recognition by the former Czech and Slovak Federal Republic, to which Slovakia is one of the successor states, of the right of individual petition took effect. However, in assessing the reasonableness of the time that elapsed after that date, account must be taken of the state of proceedings at the time.

60. The period in question ended on 6 April 2000 when the District Court gave its judgment. It thus lasted 8 years and 19 days.

61. The Court notes that this part of the application 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. It must therefore be declared admissible.

B. Merits

62. The Government asserted that the length of the proceedings was substantially affected by the factual, legal and procedural complexity of the case. The legal issues that had to be determined included the legal status of Mrs S. as a foreigner, the validity of the acquisition of the house by spouses S., the effects of the forfeiture of the properties of Mr S. and the abandonment of the house by Mrs S. and the validity of the contract of 1989 itself. The case involved taking and assessing an extensive amount of evidence. According to the Government, the complexity of the case is

shown by the fact that two ordinary appeals and one extraordinary appeal on points of law were lodged.

63. The Government further maintained that the length of the proceedings was considerably influenced by the conduct of the parties. They referred to the *Ciricosta and Viola v. Italy* judgment of 4 December 1995 (Series A no. 337-A) and pointed out that the parties had requested extensions of procedural time-limits and adjournments of hearings. They also argued that the parties had often failed to take part in the hearings in person.

64. As to the conduct of the authorities, the Government accepted that there had been some delays in the proceedings imputable to the District Court between 14 December 1993 and 10 November 1994 and between 18 January and 18 October 1995. However, after the last date the District Court had handled the case expeditiously. They maintained that the proceedings before the Regional Court and the Supreme Court were continuous and without any undue delays.

65. Finally, the Government considered that the subject-matter of the proceedings was not of a particular importance for the applicants within the meaning of the Court's case-law on length of proceedings cases.

66. The Government concluded that the length of the proceedings was not "considerable", "seriously concerning" or "exceptional" and corresponded to the circumstances of the case.

67. The first applicant disagreed. He emphasised that he and his wife had merely bought property in good faith from the State with a view to reside there peacefully with his family. They had not knowingly caused any delay in the ensuing proceedings which had disturbed the life of their family for an excessive period.

68. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the criteria established by its case-law, particularly the complexity of the case, the conduct of the applicants and of the relevant authorities and what was at stake for the applicants in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

69. The Court observes that the case was of some legal and procedural complexity. This was *inter alia* due to the fact that changes in ownership of the house over a period of time and the involvement of a foreign national had to be examined.

70. As to the conduct of the parties, the Court notes that the Housing Authority was not represented at the hearings held before the District Court on 23 September 1992, 9 October 1996 and 22 November 1999. As to the Government's argument that the parties failed to attend some of the hearings in person, the Court notes that the plaintiffs and the applicants were represented by lawyers who took part in the hearings throughout the

proceedings. The Court also observes that the hearing listed by the District Court for 13 September 1999 had to be adjourned due to the first applicant's health problems. Finally, the Court notes that on 21 December 1999 the applicants filed a counter-claim which they withdrew on 10 February 2000.

71. As regards the conduct of the authorities, the Court notes that during the period under consideration the case was examined by courts at three levels of jurisdiction and that the first instance court determined it three times, the appellate court twice and the court of cassation once. The first instance court held eight hearings and the court of appeal two. The first judgment of the District Court of 14 December 1992 had to be quashed by the Regional Court on 30 September 1993 as, due to the insufficiently established facts of the case and the lack of adequate reasoning, the District Court's judgment could not be reviewed. It then took the District Court until 10 November 1994 to hold the first subsequent hearing. Out of this period, 11 months were accepted by the Government as involving inactivity. The Government further acknowledged 9 months of inactivity in 1995. The Court also notes that the District Court and the Supreme Court took no procedural steps between, respectively, 28 November 1995 and 5 May 1996 (5 months and 7 days) and 14 April and 16 December 1998 (8 months and 2 days).

72. The Court also takes note of the age and fragile health of the first applicant.

73. In the light of the above the Court considers that the overall length of the period under consideration is not compatible with the reasonable time requirement. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

74. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

75. The applicants claimed to be provided with a substitute accommodation in compensation for the loss of the house at issue. They further claimed 352,250¹ Slovakian korunas (SKK) in compensation for the land on which the house in question is located. They also claimed SKK 128,000² in compensation for the material damage which they claimed

¹ SKK 352,250 is an equivalent of approximately EUR 8,700

to have sustained in connection with the dispute. The applicants finally claimed SKK 923,060¹ in respect of non-pecuniary damage which they claimed to have suffered.

76. The Government maintained that there was no causal link between the violation alleged and the pecuniary damage allegedly suffered. They maintained that it was open to the applicants to claim compensation for non-pecuniary damage from the State under the State Liability Act No. 58/1969 Coll. in conjunction with Decree No. 32/1965 Coll. In any event, they considered the amount claimed by the applicants overstated, not supported by any evidence and unacceptable.

77. The Court also does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim.

78. The Court has previously found that a claim under the State Liability Act for compensation for non-pecuniary damage resulting from the length of proceedings does not offer reasonable prospects of success and that such a remedy need not be exhausted for the purposes of Article 35 § 1 of the Convention (see *J.K. v. Slovakia* (dec.), no. 38794/97, 13 September 2001 and *Havala v. Slovakia* (dec.), no. 47804/99, 13 September 2001). The Court finds no reasons for reaching a different conclusion in connection with the Government's above objection in the present case. The Court accepts that the applicants suffered damage of a non-pecuniary nature, such as distress resulting from the protracted length of the proceedings in their case. Making an assessment on an equitable basis and having regard to the circumstances of the case, the Court awards to the applicants under this head a single sum of 3,200 euros (EUR) payable to the first applicant.

B. Default interest

79. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the complaint concerning the length of the proceedings concerning the validity of the purchase contract of 1989 admissible;
2. *Declares* the remainder of the application inadmissible;
3. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

² SKK 128,000 is an equivalent of approximately EUR 3,200

¹ SKK 923,060 is an equivalent of approximately EUR 22,900

4. *Holds*

(a) that the respondent State is to pay the first applicant, within three months from the date on which the judgment becomes final according to Article 44 § 2 of the Convention, EUR 3,200 (three thousand two hundred euros) to be converted into Slovakian korunas at the rate applicable at the date of settlement in respect of non-pecuniary damage, plus any tax that may be chargeable;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 13 July 2004, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Nicolas BRATZA
President