



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

FOURTH SECTION

CASE OF ŠEDÝ v. SLOVAKIA

(Application no. 72237/01)

JUDGMENT

STRASBOURG

19 December 2006

FINAL

19/03/2007

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 Šedý v. Slovakia,

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

Sir Nicolas BRATZA, *President*,

Mr J. CASADEVALL,

Mr M. PELLONPÄÄ,

Mr K. TRAJA,

Mr S. PAVLOVSKI,

Ms L. MIJOVIĆ,

Mr J. ŠIKUTA, *judges*,

and Mr T.L. EARLY, *Section Registrar*,

Having deliberated in private on 28 November 2006,

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

PROCEDURE

1. The case originated in an application (no. 72237/01) 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 Mr Oldřich Šedý ("the applicant"), who has both Slovakian and Czech nationality, on 9 April 2001.

2. The Slovakian Government ("the Government") were represented by Mrs A. Poláčková, their Agent.

3. On 21 July 2004 the Court decided to communicate the complaint concerning the length of proceedings to the Government. Applying Article 29 § 3 of the Convention, it was decided to rule on the admissibility and merits of the application at the same time.

THE FACTS**THE CIRCUMSTANCES OF THE CASE**

4. The applicant was born in 1926 and lives in Púchov.

A. Action for protection of personal integrity and related constitutional complaint

5. On 17 December 1996 the applicant filed an action against a periodical with the Považská Bystrica District Court (*Okresný súd*). He

sought protection of his personal integrity under Articles 11 *et seq.* of the Civil Code and claimed damages. He later extended the action to include the editor of the periodical.

6. The District Court held hearings on 24 March and 20 August 1997. They were both adjourned, the former with a view to obtaining evidence, the latter in order to decide on the applicant's requests for free legal aid and an exemption from the obligation to pay court fees.

7. On 25 November 1997 the District Court dismissed the applicant's request for free legal aid and waiver of court fees. The applicant appealed and challenged the judge for bias.

8. A hearing that was listed for 10 December 1997 had to be adjourned because the challenge to the judge had not yet been determined.

9. On 9 April 1998 the Trenčín Regional Court (*Krajský súd*) dismissed the challenge of bias.

10. On 26 October 1998 the District Court held another hearing which had to be adjourned because the applicant's appeal against the decision of 25 November 1997 concerning court fees and legal aid had still not been determined. The case file was subsequently transmitted to the Regional Court for a determination of the appeal.

11. On 30 April 1999 the Regional Court quashed the decision of 25 November 1997.

12. On 6 October 1999 the District Court appointed an *ex officio* lawyer for the applicant. On 24 November 1999 the lawyer made written submissions in the applicant's name.

13. On 12 June 2000 the District Court held a hearing following which, on the same day, it dismissed the action. The applicant appealed.

14. On 4 September 2000 the District Court imposed a fine of 5,000 Slovakian korunas¹ (SKK) on the applicant for disorderly conduct. The applicant appealed.

15. On 14 January 2003 the Regional Court held a hearing following which, on the same day, it quashed the first-instance judgment and discontinued the proceedings in respect of the periodical on the ground that the periodical lacked the legal capacity to be a party to court proceedings.

16. On 12 February 2003 the District Court ruled that in so far as the applicant's claim concerned the remaining defendant, the editor of the periodical, it would be determined in a separate set of proceedings which are not the subject-matter of the present application.

17. In the meantime, on 25 July 2002, the applicant lodged a complaint under Article 127 of the Constitution about the length of the proceedings with the Constitutional Court (*Ústavný súd*). He directed the complaint

¹ SKK 5,000 is equivalent to approximately 130 euros (EUR).

against both the District Court and the Regional Court and claimed just satisfaction in the amount of SKK 50,000¹.

18. On 3 October 2002 the Constitutional Court appointed an *ex officio* lawyer for the applicant and on 13 November 2002 it declared the complaint admissible.

19. On 9 July 2003 the Constitutional Court found a violation of the applicant's right under Article 48 § 2 of the Constitution to a hearing “without unjustified delay” in the phase of the proceedings before the Regional Court but not before the District Court. The applicant was awarded SKK 20,000² in just satisfaction and reimbursement of his legal costs.

The Constitutional Court examined the overall length of the proceedings from their beginning in 1996 until the decision of 14 January 2003. However, it divided its examination into two parts, one concerning the District Court and one concerning the Regional Court. The Constitutional Court observed that the separate set of proceedings, which had been opened pursuant to the decision of 12 February 2003 in respect of the claim against the editor, were not the subject-matter of the proceedings before it.

It was further observed that the applicant had contributed to the length of the proceedings by: supplementing the action several times, submitting requested documents late, challenging a judge without good reason and submitting comments in respect of the defendant's observations in reply to his appeal 22 months after receipt of those observations.

No unjustified delays could be imputed to the District Court, in contrast to the Regional Court which had been inactive without any acceptable explanation for more than 22 months.

As for the amount of just satisfaction, the Constitutional Court took into account the applicant's contribution to the length of the proceedings.

B. Action against a housing co-operative and related constitutional complaint

20. On 3 August 1998 the applicant brought an action against a housing co-operative in the Považská Bystrica District Court. He claimed a sum of money which, in his view, he had overpaid as rent.

21. The applicant challenged all the judges of the Považská Bystrica District Court for bias and, on 19 July 2000, the Trenčín Regional Court decided to exclude them and to transfer jurisdiction to the Trenčín District Court. The latter received the case file on 14 September 2000.

22. On 25 July 2002 the applicant lodged a complaint about the length of the proceedings with the Constitutional Court. He directed the complaint

¹ SKK 50,000 is equivalent to approximately EUR 1,300.

² SKK 20,000 is equivalent to approximately EUR 525.

against the Trenčín District Court and claimed SKK 40,000¹ in just satisfaction.

23. On 13 November 2002 the Constitutional Court declared the complaint admissible.

24. On 26 February 2003 the Constitutional Court found that the Trenčín District Court had violated the applicant's right to a hearing without unjustified delay. It ordered the District Court to proceed with the case expeditiously, to pay the applicant SKK 20,000² in damages and to reimburse his legal costs.

The Constitutional Court found that the subject-matter of the proceedings was not particularly complex and that no delays could be imputed to the applicant. As for the conduct of the authorities, the Constitutional Court observed that the applicant's complaint was aimed at the Trenčín District Court alone. Being bound by the scope of the complaint, as expressed by the applicant, the Constitutional Court was prevented from examining the phase of the proceedings before the Považská Bystrica District Court. It found that the Trenčín District Court had been inactive without any justification for two years and three months.

25. The proceedings in the applicant's action are still pending.

C. Action against a travel agency and related constitutional complaints

26. On 17 April 2000 the applicant lodged an action against a travel agency with the Bratislava I District Court. He submitted that the defendant had wrongfully cancelled his holiday reservation and claimed damages in the amount of approximately SKK 5,000³.

27. On 21 March 2001 the District Court requested the applicant to pay court fees, which he did on 23 April 2001. At the same time the applicant submitted further and better particulars.

28. In a letter of 17 July 2002 in response to the applicant's complaint the President of the District Court acknowledged that there had been undue delays in the proceedings.

29. On 5 August 2002 the District Court exempted the applicant from the obligation to pay court fees.

30. On 5 August and 29 November 2002 the District Court requested, respectively, that the defendant submit documents and observations in reply.

31. In the meantime, on 16 October 2002, the applicant lodged a constitutional complaint about delays in the proceedings. He claimed SKK 20,000 for his non-pecuniary damage.

¹ SKK 40,000 is equivalent to approximately EUR 1,050.

² SKK 20,000 is equivalent to approximately EUR 525.

³ SKK 5,000 is equivalent to approximately EUR 130.

32. On 13 November 2002 the Constitutional Court assigned the applicant an *ex officio* lawyer and declared the complaint admissible.

33. On 19 February 2003 the Constitutional Court found that the applicant's right to a hearing without unjustified delay had been violated, ordered that the District Court proceed with the case expeditiously, awarded the applicant SKK 10,000¹ in just satisfaction and ordered the reimbursement of his legal costs.

The subject-matter of the proceedings was not of a particular complexity, no delays could be imputed to the applicant and the District Court's conduct of the proceedings had been inefficient throughout.

34. On 14 May 2003 the District Court requested the applicant to adduce evidence and to identify his witnesses, which he did on 22 May 2003.

35. In November 2003 the District Court requested the applicant to specify the defendant to the action. The applicant responded on 19 November and 12 December 2003, respectively.

36. On 22 December 2003 the District Court discontinued the proceedings on the ground that the applicant had failed to specify the defendant correctly and completely.

37. On 16 March 2004 the District Court quashed its decision of 22 December 2003 on the applicant's appeal in which he had submitted the missing information.

38. On 26 March 2004 the applicant challenged the District Court judge for bias.

39. On 6 April 2004 the District Court held a hearing following which, on the same day, it decided on the major part of the claim and ruled that the remainder would be determined in a separate set of proceedings. Those proceedings are still pending and they are not the subject-matter of the present application. The applicant appealed.

40. On 21 July 2004 the District Court imposed a fine of SKK 2,000 on the applicant for "causing delays and damaging the interests of a party to the proceedings".

41. On 8 September 2004 the Bratislava Regional Court dismissed the challenge of bias and, on 20 April 2005, it upheld the judgment of 6 April 2004.

42. The applicant lodged a fresh complaint under Article 127 of the Constitution about continuing delays in the proceedings.

43. On 8 September 2004 the Constitutional Court appointed an *ex officio* lawyer for the applicant and declared the complaint admissible in so far as it concerned the proceedings before the District Court in the period after its previous judgment (*nález*) of 19 February 2003.

44. On 29 June 2005 the Constitutional Court found that, in the period under consideration, there had been no violation of the applicant's right to

¹ SKK 10,000 is equivalent to approximately EUR 260.

a hearing without unjustified delay. The Constitutional Court acknowledged that there had been delays of approximately 4 months which were imputable to the District Court. However, apart from these delays the District Court had dealt with the case properly and the said delays had played no significant role in respect of the proceedings as a whole. In contrast to that, the applicant had slowed down the proceedings substantially by his unclear submissions.

D. Action of July 2000 and related constitutional complaint

45. On 10 July 2000 the applicant brought an action against the Ministry of Finance and the Central Slovakia Electricity Company in the Žilina District Court. In so far as could be established he claimed a payment of SKK 341¹ per month in compensation for “intentional violations of citizen's rights”.

46. On 18 July 2000 the Žilina District Court transmitted the case to the Bratislava District Court for reasons of jurisdiction. On 9 August 2000 the latter objected to the transfer and requested that the question of territorial jurisdiction be determined by the Supreme Court.

47. On 18 September 2000 the Supreme Court ruled that the action fell to be determined by the Žilina District Court.

48. On 31 October and 21 November 2000 the Žilina District Court repeatedly requested the applicant to provide better particulars and warned him that if he failed to do so, the proceedings would be discontinued. The applicant responded on 10 November and 1 December 2000, respectively.

49. On 24 January 2001 the District Court discontinued the proceedings but the decision was quashed on the applicant's appeal by the Žilina Regional Court on 10 July 2001.

50. In May and September 2002 the District Court sought information concerning the nationality and permanent residence of the applicant and his parents.

51. The District Court summoned the applicant for a hearing on 15 October 2003 with a view to establishing the scope and legal nature of the action. The District Court subsequently requested that the applicant bring the particulars of his claim into line with the applicable formal rules.

52. On 4 February 2004 the District Court requested that the applicant pay court fees. In response, the applicant requested a waiver of the fees.

53. On 29 March 2004 the District Court granted the applicant a 50% reduction of court fees. The applicant appealed requesting a full exemption.

54. On 30 April 2004 the Žilina Regional Court upheld the decision on court fees.

¹ SKK 341 is equivalent to approximately EUR 9.

55. On 4 October 2004 the District Court discontinued the proceedings on the ground that the applicant had failed to pay the court fees. The decision was upheld on the applicant's appeal (*odvolanie*) by the Regional Court on 30 November 2004 and on his appeal on points of law (*dovolanie*) by the Supreme Court on 13 October 2005.

56. In the meantime, the applicant had contested the length of the proceedings by way of a complaint under Article 127 of the Constitution.

57. On 8 September 2004 the Constitutional Court appointed an *ex officio* lawyer for the applicant and declared the complaint admissible.

58. On 29 June 2005 the Constitutional Court found that the Žilina District Court had violated the applicant's right to a hearing without unjustified delay. It granted him the reimbursement of his legal fees but dismissed his claim for compensation in respect of his non-pecuniary damage.

The Constitutional Court found no justification for the length of the proceedings in their subject-matter. However, the applicant had caused delays by his unclear and incomplete submissions and his failure to pay court fees. There had also been inexcusable delays imputable to the District Court which had been completely inactive for 19 months.

Having regard to the applicant's contribution to the length of the proceedings, the Constitutional Court considered that the finding of a violation of his right and the award in respect of costs and expenses were sufficient just satisfaction for the prejudice he had suffered.

D. Other facts invoked by the applicant

59. The applicant considers that the co-operative which administers the block of flats in which he lives has obliged him to pay excessive charges and contributions for the use of the flat. He unsuccessfully tried to have criminal proceedings brought in that connection.

60. The applicant further alleges that by their policies the Government of the Slovak Republic have brought about a fall in living standards in Slovakia as a result of which he and many other persons have found themselves in a difficult financial situation.

THE LAW

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

61. The applicant complained that the length of the proceedings had been incompatible with the “reasonable time” requirement, laid down 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 ... hearing within a reasonable time by [a] ... tribunal...”

A. Admissibility

1. Action for protection of personal integrity

62. The Government submitted that as a result of the Constitutional Court's judgment of 9 July 2003 the applicant could no longer be considered a “victim” in the Convention sense of a violation of his right to a hearing within a reasonable time.

63. The applicant contested that argument.

64. The Court observes that, in view of the Constitutional Court's judgment of 9 July 2003, a question arises whether the applicant can still claim to be a “victim”, within the meaning of Article 34 of the Convention, of a violation of his right to a hearing within a reasonable time.

65. The Court notes that in the present case the applicant's status as a “victim” depends on whether the redress afforded to him at the domestic level was adequate and sufficient having regard to Article 41 of the Convention. This issue falls to be determined in the light of the principles established under the Court's case law (see, most recently, *Scordino v. Italy* (no. 1) [GC], no. 36813/97, §§ 178-213, ECHR 2006-... , and *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 69-98, ECHR 2006-...).

66. The Constitutional Court examined the overall length of the proceedings which was slightly more than 6 years (from 17 December 1996 until 14 January 2003) for two levels of jurisdiction. It found that there had been a violation of the applicant's right to a hearing without unjustified delay and awarded him the equivalent of EUR 525 in just satisfaction. This amount is less than 20% of what the Court would generally award in a similar situation in a Slovakian case. Such redress obtained by the applicant at the domestic level must be considered insufficient (see *Scordino* (no. 1), cited above, §§ 205-06 and 214-15). The applicant can accordingly still claim to be a “victim” of a breach of the “reasonable time” requirement.

67. The period under the Court's consideration is the same as that examined by the Constitutional Court (see the previous paragraph).

68. 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. It must therefore be declared admissible.

2. Action against housing co-operative

69. The Government raised a similar objection as in respect of the action for protection of personal integrity (see paragraph 62 above).

70. The applicant disagreed.

71. The Court considers that this part of the application must be examined as follows.

(a) Phase of the proceedings before the Považská Bystrica District Court

72. The Court observes that the applicant did not include this phase of the proceedings in his constitutional complaint of 25 July 2002 (see paragraph 22 above). The Constitutional Court was thus prevented from examining it (see *Obluk v. Slovakia*, no. 69484/01, § 61, 20 June 2006).

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

(b) Phase of the proceedings before the Trenčín District Court, as examined by the Constitutional Court

73. The Court observes that a part of the proceedings before the Trenčín District Court was examined by the Constitutional Court on the applicant's constitutional complaint. It commenced on 14 September 2000 when the case file was transmitted to the Trenčín District Court and ended on 26 February 2003 with the Constitutional Court's judgment. It thus lasted about 2 years and 5 months for a single level of jurisdiction.

74. The applicant's "victim" status in respect of this phase of the proceedings depends on the redress afforded to him at the domestic level. The Constitutional Court awarded the applicant the equivalent of approximately EUR 525 in just satisfaction, granted him reimbursement of his legal costs and ordered that the District Court proceed with the case expeditiously. The Court does not find this redress manifestly inadequate or insufficient, having regard to Article 41 of the Convention and the criteria cited above.

75. The Court therefore concludes that, even assuming that the length of this part of the proceedings would otherwise raise an issue under Article 6 § 1 of the Convention, the applicant can no longer claim to be a "victim" within the meaning of Article 34 of the Convention of the alleged violation of his right to a hearing within a reasonable time.

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

(c) Phase of the proceedings before the Trenčín District Court after the Constitutional Court's judgment

76. The Court observes that the proceedings are still pending. Thus, after the Constitutional Court's judgment of 26 February 2003, they have lasted more than 3 years and 8 months and this despite the Constitutional Court's order that they be proceeded with expeditiously (see *Rišková v. Slovakia*, no. 58174/00, § 90, 22 August 2006).

77. 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. It must therefore be declared admissible.

3. Action against travel agency

78. The Government raised a similar objection as in respect of the action for protection of personal integrity (see paragraph 62 above).

79. The applicant disagreed.

80. The applicant's "victim" status depends on the redress afforded to him at the domestic level. In its judgments of 19 February 2003 and 29 June 2005 the Constitutional Court examined the whole duration of the proceedings since 17 April 2000 until 6 April 2004. The period under the Constitutional Court's examination was thus almost 4 years and it awarded the applicant the equivalent of EUR 260 in just satisfaction. This is less than 20% of what the Court would generally award in a similar situation in a Slovakian case. Such redress obtained by the applicant at the domestic level must be considered insufficient in the light of the criteria quoted above. The applicant can accordingly still claim to be a "victim" of a breach of the "reasonable time" requirement.

81. The period under consideration started on 17 April 2000 and ended on 20 April 2005. It thus lasted about 5 years for 2 levels of jurisdiction.

82. 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. It must therefore be declared admissible.

4. Action of July 2000

83. The Government argued that in view of the Constitutional Court's judgment of 29 June 2005 the applicant was no longer a "victim" in the Convention sense.

84. The applicant disagreed.

85. The Court observes that the proceedings in question commenced on 10 July 2000 and ended on 13 October 2005. They thus lasted 5 years and some 3 months for three levels of jurisdiction.

86. It should be noted that although the Constitutional Court found a violation of the applicant's right to a hearing without unjustified delay, it awarded no financial compensation in respect of his non-pecuniary damage. It found that no financial compensation was appropriate and that the finding of a violation was a sufficient redress.

87. It must also be noted that in his constitutional complaint the Constitutional Court assigned the applicant an *ex officio* lawyer and awarded him reimbursement of his legal costs.

88. It remains to be assessed whether the above redress can be considered appropriate and sufficient (see, for example, *Jensen v. Denmark* (dec.), no. 48470/99, 20 March 2003).

89. In that connection the Court reiterates that there is a strong but rebuttable presumption that excessively long proceedings will occasion non-pecuniary damage. However, in some cases, the non-pecuniary damage may be only minimal or none at all (see *Nardone v. Italy*, no. 34368/98, 25 November 2004). The domestic courts will then have to justify their decision by giving sufficient reasons (see *Scordino (no. 1)*, cited above, § 204).

90. The Constitutional Court justified its conclusion that no financial compensation was necessary for the applicant's non-pecuniary damage by citing the fact that the proceedings had been substantially prolonged by the applicant. In particular, the Constitutional Court noted that the applicant had obstructed the proceedings by unclear submissions and procrastination as regards the payment of court fees.

91. The Court notes that the legal nature of the applicant's claim was uncertain and that he had to be asked on several occasions to clarify and to submit further information (31 October and 21 November 2000, May and September 2002 and October 2003). He did not pay the court fee and only at a late stage of the proceedings (2004) demanded a waiver. In fact, his failure to pay the court fees led to the discontinuation of the proceedings.

92. In the light of the above facts the Court finds the reasons relied on by the Constitutional Court sufficient.

The Court therefore concludes that, even assuming that the length of these proceedings would otherwise raise an issue under Article 6 § 1 of the Convention, the applicant can no longer claim to be a "victim" within the meaning of Article 34 of the Convention of the alleged violation of his right to a hearing within a reasonable time.

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

B. Merits

93. The Court will now examine whether the length of the proceedings in the action for protection of personal integrity, the action against the

housing co-operative (in the period after the Constitutional Court's judgment of 26 February 2003) and the action against the travel agency was compatible with the "reasonable time" requirement of Article 6 § 1 of the Convention.

93. The Government admitted that the length of the proceedings in question had been excessive.

94. 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 following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

95. The Court has frequently found violations of Article 6 § 1 of the Convention in cases raising issues similar to the one in the present case (see *Frydlender*, cited above).

96. Having examined all the material submitted to it and having regard to its case-law on the subject, as well as the above-mentioned admission by the Government, the Court considers that the length of the proceedings in issue (see paragraph 93 above) was excessive and failed to meet the "reasonable time" requirement.

There has accordingly been a breach of Article 6 § 1.

II. ALLEGED VIOLATION OF ARTICLES 2, 3, 6, 13 AND 17 OF THE CONVENTION AND ARTICLE 1 OF PROTOCOL NO. 1

97. The applicant further complained that the Government of the Slovak Republic had reduced his living standards, as a result of which he had found himself in a difficult financial situation and that his health had been affected. He also complained that the Slovakian authorities had refused to prosecute persons responsible for the alleged maladministration within the co-operative which administered his flat. He relied on Articles 2, 3, 6, 13 and 17 of the Convention and also Article 1 of Protocol No. 1.

98. To the extent that this part of the application has been substantiated and falls within the Court's jurisdiction *ratione materiae*, it has found no indication of a violation of the applicant's Convention rights.

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

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

99. 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

100. In so far as can be established, the applicant claimed SKK 26,680¹ in respect of pecuniary damage. He also claimed SKK 210,000² in respect of non-pecuniary damage.

101. The Government contested these claims.

102. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. On the other hand, it considers that the applicant must have sustained some non-pecuniary damage. Ruling on an equitable basis, and having regard to its case-law on the subject (see the recapitulation of the relevant principles and, *mutatis mutandis*, their application in *Scordino (no. 1)*, cited above, §§ 267-272), and taking into account that the applicant has already obtained some just satisfaction under the Constitutional Court's judgments of 19 February and 9 July 2003, it awards him EUR 5,000 under that head.

B. Costs and expenses

103. In so far as can be established the applicant also claimed SKK 3,079³ for various costs and expenses.

104. The Government did not express an opinion on the matter.

105. According to the Court's case-law, an applicant is entitled to reimbursement of his costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and were reasonable as to quantum. In the present case, regard being had to the information in its possession and the above criteria, the Court considers it reasonable to award the applicant, who was not represented by a lawyer, the sum of EUR 80 under this head.

C. Default interest

106. 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.

¹ SKK 26,680 is equivalent to approximately EUR 700.

² SKK 210,000 is equivalent to approximately EUR 5,500.

³ SKK 3079 is equivalent to approximately EUR 80.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the complaint under Article 6 § 1 of the Convention concerning the excessive length of the proceedings in the action for protection of personal integrity, the action against the housing co-operative (in the period after the Constitutional Court's judgment of 26 February 2003) and the action against the travel agency admissible and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention in the above-specified proceedings;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 5,000 (five thousand euros) in respect of non-pecuniary damage and EUR 80 (eighty euros) in respect of costs and expenses, the above amounts to be converted into the currency of the respondent State at the rate applicable at the date of settlement, 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 amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 19 December 2006, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T.L. EARLY
Registrar

Nicolas BRATZA
President