



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

FOURTH SECTION

CASE OF KOMANICKÝ v. SLOVAKIA (No. 2)

(Application no. 56161/00)

JUDGMENT

STRASBOURG

2 October 2007

FINAL

02/01/2008

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 Komanický v. Slovakia (no. 2),

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

Sir Nicolas BRATZA, *President*,
Mr G. BONELLO,
Mr K. TRAJA,
Mr S. PAVLOVSKI,
Mr L. GARLICKI,
Ms L. MIJOVIĆ,
Mr J. ŠIKUTA, *judges*,

and Mrs F. ARACI, *Deputy Section Registrar*,

Having deliberated in private on 11 September 2007,

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

PROCEDURE

1. The case originated in an application (no. 56161/00) 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 Ioan Kornelij Komanický (“the applicant”), on 17 August 1999.

2. The Slovak Government (“the Government”) were represented by their Agent, Ms A. Poláčková, who was subsequently succeeded in that function by Ms M. Pirošíková.

3. On 18 October 2005 the Court declared the application partly inadmissible and decided to communicate to the Government the complaint under Article 6 § 1 of the Convention concerning the length of several sets of civil proceedings and the complaints under Article 1 of Protocol No. 1 and Article 13 of the Convention related to the length of the proceedings in the action of 1991. 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**THE CIRCUMSTANCES OF THE CASE**

4. The applicant was born in 1943 and lives in Bardejov.

A. Action of 1993 (the Bardejov District Court (*Okresný súd*) file no. 8C 3/93) and related constitutional complaint

1. Action

5. In 1993 the applicant and his wife brought proceedings for determination of ownership in respect of a plot of land.

6. On 18 April 1996 the District Court dismissed the action and, on 19 June 1997, the Prešov Regional Court (*Krajský súd*) upheld the judgment on appeal (*odvolanie*).

7. On 20 October 1997 the applicant and his wife appealed on points of law (*dovolanie*). In the course of the proceedings on this appeal procedural matters such as, for instance, the court fees and legal aid, were determined repeatedly at all levels of jurisdiction. The appeal on points of law concerning the merits of the case is still pending.

2. Constitutional complaint

8. On 28 May 2004 the applicant lodged a complaint under Article 127 of the Constitution with the Constitutional Court (*Ústavný súd*). He complained of unjustified delays in the proceedings on the appeal on points of law and requested a legal-aid lawyer. The Constitutional Court dismissed the latter request on 30 June 2004, finding that, in so far as the applicant had substantiated his financial situation, there was no ground for granting it.

9. On 24 September 2004 the Constitutional Court declared the complaint inadmissible on the ground that the applicant had failed to comply with the statutory requirement to have legal representation.

B. Action of 14 December 1995 (the Bardejov District Court file no. 11C 36/96)

10. On 14 December 1995 the applicant instituted proceedings seeking modification of a certificate of employment. He argued that the period of his employment was in reality one day longer than as shown in the certificate.

11. The action was dismissed by the District Court on 18 February 1999 and, on appeal, by the Prešov Regional Court on 3 December 1999.

12. On 28 January 2002 the Supreme Court (*Najvyšší súd*) quashed the judgment of 3 December 1999 on an appeal by the applicant on points of law and remitted the matter to the Regional Court for a new determination of the appeal against the judgment of 18 February 1999.

13. On 25 November 2002 the Regional Court upheld the judgment of 18 February 1999. The applicant appealed again on points of law.

14. On 16 December 2004 the Supreme Court declared the appeal on points of law inadmissible since it met none of the existing statutory admissibility criteria.

C. Action of 23 May 1997 (the Bardejov District Court file no. 11C 810/97) and related constitutional complaint

1. Action

15. On 23 May 1997 the applicant brought an action against his landlord, a housing co-operative, in the District Court. He first claimed that his rent should be reduced and later modified the claim in that he reclaimed a part of the rent paid. A further attempt by the applicant to modify the claim was declared inadmissible.

16. On 2 October 2001 the District Court granted the action by ordering the defendant to pay an amount of money to the applicant. The applicant appealed, arguing that the District Court had overlooked the modification of his claim.

17. On 28 February 2002 the Prešov Regional Court declared the appeal inadmissible, holding that the applicant lacked grounds for appeal, since his claim had been granted in full. The applicant appealed on points of law.

18. On 24 January 2005 the Supreme Court discontinued the proceedings on the appeal on points of law on the ground that, despite a previous request and warning, the applicant had failed to bring it in line with the applicable procedural requirements.

2. Constitutional complaint

19. On 15 March 2004 the applicant lodged a constitutional complaint about delays in the proceedings and requested a legal-aid lawyer. The Constitutional Court dismissed the legal-aid request, finding that the applicant was not eligible, in view of his material situation, which was well known to the Constitutional Court in connection with the applicant's other submissions to the Constitutional Court.

20. On 24 September 2004 the Constitutional Court declared the complaint inadmissible on the ground that the applicant had no legal representation.

D. Action of 1998 (the Bardejov District Court file no. 8C 714/98) and related constitutional complaint

1. Action

21. On 18 May 1998 the applicant brought an action against the State, in the person of the Ministry of Justice. He argued that the Ministry had erroneously charged him an administrative fee for an administrative complaint in a previous, unrelated matter and sought damages.

22. The action was dismissed by the District Court on 4 August 1999 and, on appeal, by the Prešov Regional Court on 27 March 2000.

23. The applicant lodged an appeal on points of law. In the course of the proceedings on this appeal, procedural matters such as the court fees, legal aid and impartiality of judges were determined repeatedly and at all levels of jurisdiction. The appeal on points of law as regards the merits of the case is still pending.

2. Constitutional complaint

24. On 14 April 2004 the applicant complained to the Constitutional Court of the length of the proceedings and then requested a legal-aid lawyer.

25. The Constitutional Court examined the applicant's financial situation, taking into account, in particular, the amount of social benefits the applicant and his wife were receiving and the amount of just satisfaction the applicant had been awarded recently on three unrelated constitutional complaints. The Constitutional Court concluded, on 30 June 2004, that the granting of legal aid to the applicant was not justified.

26. On 10 September 2004 the Constitutional Court declared the applicant's complaint inadmissible on the ground that he had no legal representation.

E. Action of 1 October 1997 (the Bardejov District Court file no. 11C 2130/97)

27. On 1 October 1997 the applicant and his wife filed a civil action seeking the division and dissolution of the co-ownership of a plot of land.

28. On 24 April 2003 the Bardejov District Court granted the claim and the judgment became final and binding on 11 June 2003.

F. Proceedings concerning the estate of the applicant's mother (the Svidník District Court file no. D 240/93)

29. On 11 March 1992 the applicant sent a letter to the Svidník State Notary requesting that the estate of his late mother be determined. He made

a similar submission to the District Court on 9 March 1993, following which, on 28 May 1993, the District Court opened the inheritance proceedings and appointed a notary public to deal with the case.

30. Between 8 August 1993 and 23 January 2001 the notary held 12 hearings. A hearing that was held on 3 October 1995 was adjourned at the applicant's request with a view to settling the estate by agreement of the prospective heirs. The hearing held on 23 July 1996 was adjourned in order to examine the applicant's claim that he had changed his name.

31. The applicant failed to appear at six of the above hearings. He excused himself for not being able to attend the hearing of 11 March 1996 one day before that hearing, on account of a clash of scheduled court appearances. Three days before the hearing listed for 9 November 1998 the applicant submitted that he could not appear for health reasons. The applicant also apologised for not being able to attend the hearings of 22 November 1999 and 6 March 2000 three days before those hearings.

32. In the meantime, on 4 January 1994, the notary requested that the applicant submit documentary evidence, which the applicant did only on 4 November 1994, after having been reminded three times.

33. In the course of 1995 the notary obtained several pieces of documentary evidence defining the extent of the estate.

34. On 7 February 2001 the notary held another hearing, following which, on the same day, he determined the case by ruling that the estate passed to the applicant and issuing an order for costs against him. The decision was upheld by the District Court on 9 April 2001 and on appeal by the applicant by the Prešov Regional Court on 26 July 2001.

35. The applicant subsequently lodged an application with the courts for enforcement of the inheritance decision of 7 February 2001. He sought an order requiring the Land Register Administration to register his title to the inherited property. The application was examined twice, at two levels of jurisdiction, and the judicial proceedings in respect of it were finally discontinued, in 2004, on the ground that the enforcement of the decision fell outside the jurisdiction of the ordinary courts. The application was consequently transmitted to the Svidník Land Register Administration which was the body which should deal with it. The “enforcement” appears to be still pending there and questions such as, for example, identification of the property under a new referencing system, are being determined.

G. Appeal on points of law of 1996

1. First-instance proceedings and appeal

36. On 11 May 1993 the applicant brought an action for damages in the Bardejov District Court. It was dismissed by the District Court on

20 January 1994 and, on appeal, by the Košice Regional Court on 26 May 1995.

2. Appeal on points of law

37. On 19 January 1996 the applicant lodged an appeal on points of law against the Regional Court's judgment.

38. On 16 September 1996 the District Court instructed the applicant to bring his appeal in line with the applicable procedural requirements and to pay the court fees. The applicant replied on 25 September 1996 by asking for an exemption from the obligation to pay the court fees.

39. On 2 March, 2 June and 15 October 1997 the District Court repeatedly requested that the applicant make a declaration in respect of his financial standing, with a view to determining the question of the court fees. In the absence of a relevant response, the District Court finally established the applicant's standing on the basis of the information which the applicant had submitted in the context of other proceedings.

40. On 23 February 1999 the District Court exempted the applicant from the obligation to pay the court fees and appointed him a legal-aid lawyer.

41. On 9 December 1999 the Supreme Court rejected the appeal, as having been lodged after the expiry of the statutory one-month time-limit.

H. Action of 1991 (the Bardejov District Court file nos. 7C 107/91 and 4C 1313/98), related enforcement proceedings and related constitutional complaint

1. Proceedings file no. 7C 107/91

42. On 14 February 1991 the applicant and his wife brought an action against an individual in the District Court for protection of their ownership rights in respect of two plots of land. In the course of the proceedings they identified further defendants and extended the action by seeking protection in respect of another plot and claiming that the defendants should be obliged to remove rubbish from the plots in question.

43. On 31 October 1996 the District Court ordered the defendants to refrain from interfering with the plaintiffs' ownership rights in respect of the first two plots and decided that the remaining claim would be dealt with in a separate set of proceedings (see paragraph 47 below).

44. On 4 March 1998 the Prešov Regional Court upheld the judgment of 31 October 1996 on appeal. It thus became final on 21 August 1998.

2. Enforcement of the judgment of 31 October 1996

45. In 1998 the applicant and his wife requested that the District Court enforce its judgment of 31 October 1996.

46. In the course of the enforcement proceedings a fine was imposed on the defendants for their failure to abide by the above final judgment and the fine was upheld on appeal. The applicant then requested, numerous times, but unsuccessfully, that further fines be imposed.

3. Proceedings file no. 4C 1313/98

47. As regards the claim concerning the third plot, which the District Court decided to determine in a separate set of proceedings (see paragraph 43 above), four hearings were held between 4 February and 18 May 1999. Three of them were adjourned owing to the absence of the defendants' representative, one in order for the parties to submit evidence.

48. On 9 June 1999 the District Court held a hearing following which, on the same day, it ordered the defendants to refrain from interfering with the plaintiffs' ownership rights. The court further decided to deal with the remaining claim concerning the prohibition on entering the third plot and the removal of rubbish; in yet another separate set of proceedings. The applicant and his wife appealed.

49. In 1999 the applicant and his wife requested protection of their rights by way of an interim measure. The request was dismissed on 7 April 2000 and, on appeal, on 19 September 2001.

50. On 19 April 2004 the Regional Court quashed the injunction of 9 June 1999 and remitted this matter to the District Court for reconsideration.

51. On 8 August 2004 the applicant challenged the District Court's judge dealing with the case for bias, on the ground that he was responsible for unjustified delays. On 8 September 2004 the Regional Court dismissed the challenge.

52. On 10 December 2004 the defendants submitted a contract to the court under which they had sold their plots to third persons. The District Court adjourned the case and invited the plaintiffs to confirm whether they wished to maintain their claim in these circumstances.

53. On 28 December 2004 the applicant informed the court that the plaintiffs maintained their claim. The proceedings are still pending.

4. Constitutional complaint

54. On 7 July 2004 the applicant lodged a complaint with the Constitutional Court. He directed the complaint both against the District Court and the Regional Court and challenged unjustified delays in the proceedings files, nos. 7C 107/91 and 4C 1313/98.

55. On 10 October 2004 the applicant supplemented his complaint in that he also claimed a violation of his right under Article 1 of Protocol No. 1 to enjoy his possessions peacefully, owing to the length of the proceedings.

56. On 28 October 2004 the Constitutional Court invited the applicant to specify his complaint in so far as it was directed against the Regional Court. The applicant failed to do so.

57. On 15 December 2004 the Constitutional Court declared admissible the complaint of the length of the proceedings, in so far as it concerned the District Court, and inadmissible as being unsubstantiated, in so far as it concerned the Regional Court. It also found inadmissible as being manifestly ill-founded the complaint under Article 1 of Protocol No. 1.

58. On 15 March 2005 the Constitutional Court found that the District Court had violated the applicant's right to a hearing without unjustified delay (Article 48 § 2 of the Constitution) and ordered it to proceed with the case expeditiously. The Constitutional Court found that the District Court had been inactive without any justification from 16 November 1995 to 22 July 1996 (a total of nine months) and that there had been several formal errors on the part of the District Court, which had contributed to the total length of the proceedings. The Constitutional Court also found that the applicant's behaviour had significantly contributed to the length of the proceedings, as he had failed to appear at three hearings, had modified his claim several times and had challenged the judge twice (in 1992 and in 2004 respectively). It therefore decided not to award the applicant any just satisfaction in respect of non-pecuniary damage.

I. Action of 22 December 1995 (the Bardejov District Court file no. 12C 647/95) and related constitutional complaint

1. Action

59. On 22 December 1995 the applicant's housing co-operative brought an action against him and his wife claiming arrears of rent.

60. On 14 April 1999 the District Court discontinued the proceedings as the plaintiff had withdrawn the action. The Prešov Regional Court upheld the decision on 30 November 1999 on the applicant's appeal.

61. The applicant lodged an appeal on points of law and requested a legal-aid lawyer. The request was dismissed with reference to the applicant's financial situation.

62. On 25 May 2005 the Supreme Court declared the applicant's appeal on points of law inadmissible on the ground that he had no legal representation.

2. Constitutional complaint

63. On 26 March 2004 the applicant complained to the Constitutional Court about unjustified delays in the proceedings before the District Court in connection with the processing of his appeal on points of law.

64. On 5 May 2004 the Constitutional Court declared the complaint inadmissible as being manifestly ill-founded. It observed, firstly, that the complaint was directed solely against the proceedings before the District Court, which concerned the appeal on points of law. It further observed that, in the circumstances, the applicant's appeal on points of law had no prospect of success and was bound to fail. Finally, the Constitutional Court observed that burdening the courts with inadmissible and unmeritorious appeals, as in the applicant's case, prevented due administration of justice. In view of these considerations the Constitutional Court concluded that, at the time of its assessment, there was no appearance of a violation of the applicant's right to a hearing without unjustified delay.

J. Action of 2001 (the Bardejov District Court file no. 1C 204/01) and related constitutional complaint

1. Action

65. On 5 March 2001 the applicant brought proceedings against his housing co-operative, claiming that the defendant's rent assessment should be declared null and void.

66. In response to the District Court's request to pay the court fees, the applicant asked for an exemption from the obligation to do so. Having examined the applicant's financial situation, the District Court rejected the request and discontinued the proceedings on the merits, on 1 June 2001.

67. On 14 June 2001 the applicant paid the court fees and the District Court resumed the proceedings.

68. On 22 June 2004 the District Court dismissed the action. The applicant appealed.

69. On 16 September 2004 the District Court discontinued the appellate proceedings as the applicant had failed to pay the court fees for the appeal. The decision became final on 27 October 2004.

2. Constitutional complaint

70. On 9 May 2004 the applicant lodged a complaint with the Constitutional Court alleging unjustified delays in the action of 2001.

71. On 14 April 2005 the Constitutional Court found that the District Court had violated the applicant's right to a hearing without unjustified delay. It held that the District Court had been inactive without any justification from 17 July 2001 to 13 March 2002 (a total of eight months) and also from 11 April 2002 to 10 November 2003 (a total of seventeen months). It awarded the applicant 20,000 Slovakian korunas¹ (SKK) by way

¹ SKK 20,000 is equivalent to approximately 575 euros (EUR).

of just satisfaction in respect of non-pecuniary damage and ordered reimbursement of his legal costs.

K. Action of 1996 (the Bardejov District Court file no. 8C 60/96) and related constitutional complaint

1. Action

72. On 10 January 1996 the applicant brought an action against his housing co-operative. He principally sought an order against the defendant to sell and transfer the flat in which the applicant was living to him, under special legislation of 1991. The applicant also sought universal settlement in respect of all outstanding pecuniary and non-pecuniary claims between himself and the defendant.

73. On 28 January 1999 the District Court dismissed the applicant's claim for the transfer of the flat and discontinued the proceedings concerning the settlement, as the applicant had failed to specify this part of his claim despite repeated requests. The applicant appealed.

74. On 14 February 2000 the Prešov Regional Court upheld the District Court's judgment in so far as it concerned the discontinuation of the proceedings and quashed it in so far as it concerned the dismissal of the principal claim. The latter claim was remitted to the District Court for reconsideration.

75. In the course of the subsequent proceedings various procedural issues such as the court fees and legal aid were examined numerous times at all levels of jurisdiction. The proceedings are still pending.

2. Constitutional complaint

76. On 3 August 2004 the applicant lodged a constitutional complaint alleging a violation of his rights under Article 6 of the Convention and of Article 1 of Protocol No. 1 in the action of 1996 and requested a legal-aid lawyer.

77. On 10 September and 10 November 2004, respectively, the Constitutional Court dismissed as unfounded the applicant's legal-aid request and declared his constitutional complaint inadmissible on the ground that he had no legal representation.

L. Action of 1999 (the Bardejov District Court file no. 7C 75/99) and the related constitutional complaint

1. Action

78. On 3 February 1999 the applicant sued the National Employment Authority before the District Court for an amount of money. The District Court dismissed the claim on 9 September 1999. The applicant appealed and on 10 April 2000 the Prešov Regional Court declared his appeal inadmissible as being lodged out of time.

79. On 7 June 2000 the applicant lodged an appeal on points of law against the Regional Court's decision. The Bardejov District Court, which dealt with the appeal on points of law prior to its submission to the Supreme Court, invited the applicant to rectify shortcomings in the appeal and to submit a power of attorney. The applicant requested an exemption from the obligation to pay the court fees and asked for a legal-aid lawyer. His requests were rejected by the courts at two instances, with reference to the applicant's financial situation.

80. On 2 September 2004 the Supreme Court discontinued the proceedings, holding that the applicant had failed to comply with the statutory requirement to have legal representation.

2. Constitutional complaint

81. In November 2004 the applicant complained to the Constitutional Court about unjustified delays in the proceedings before the District Court in respect of his appeal on points of law of 7 June 2000.

82. On 14 April 2005 the Constitutional Court found that the Bardejov District Court had violated the applicant's constitutional right to have the case decided without unjustified delays. The Constitutional Court observed that the District Court had been inactive without any justification from 27 July 2001 until 20 September 2002 (a total of thirteen months) and from 4 November 2002 until 7 January 2004 (a total of fourteen months). The Constitutional Court also found that the applicant's behaviour had significantly contributed to the length of the proceedings, as he had repeatedly sent incomplete applications to the court and the court had had to invite him to rectify the shortcomings in them. It therefore decided not to award the applicant any just satisfaction in respect of non-pecuniary damage. Nevertheless, the Constitutional Court ordered reimbursement of the applicant's legal costs.

THE LAW

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

83. The applicant complained that the length of the above court proceedings (or parts of them) 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 of 1993*

84. The Government argued that the applicant had failed to exhaust domestic remedies, as required under Article 35 § of the Convention, in that he had failed properly to seek redress by way of a complaint under Article 127 of the Constitution. The applicant's complaint to the Constitutional Court of 28 May 2004 did not count since it had not been made in accordance with the applicable requirements.

85. The applicant disagreed and argued that he had complied with the requirements of Article 35 § 1 of the Convention as regards exhaustion of domestic remedies. He submitted that the complaint under Article 127 of the Constitution was not a remedy to be exhausted in his case for a variety of reasons. Firstly, an important part of his proceedings had taken place prior to 1 January 2002, whereas the remedy in question had only become available on that date. Secondly, he could not actually use this remedy because his financial situation did not allow him to fulfil the requirement of legal representation. Thirdly, and finally, in the applicant's view, complaints under Article 127 of the Constitution had no adequate prospects of success owing to irregularities in the Constitutional Court's decision-making.

86. The Court reiterates that, as a general rule, a complaint under Article 127 of the Constitution is a remedy to be used in respect of length of proceedings (see *Andrášik and Others v. Slovakia* (dec.), nos. 57984/00, 60237/00, 60242/00, 60679/00, 60680/00, 68563/01 and 60226/00, ECHR 2002-IX). It is the task of applicants to formulate their constitutional complaints so as to allow the Constitutional Court to examine the overall length of the proceedings (see *Obluk v. Slovakia*, no. 69484/01, § 61, 20 June 2006). In so far as the application has been substantiated, the Court has found no reasons of principle why this remedy should not be used in circumstances such as in the present case.

87. As for the applicant's objection concerning mandatory legal representation, the Court observes that the requirement of representation by a lawyer in proceedings before a higher court does not of itself infringe the principles of the Convention (see, for example, *Gillow v. the United Kingdom*, judgment of 24 November 1986, Series A no. 109, p. 27, § 69 and *Slezák v. the Czech Republic*, no. 32487/96, Commission decision of 14 January 1998, unreported).

88. It is the applicant's contention that he could not afford a lawyer and he requested a legal-aid counsel. His request was examined by the Constitutional Court and dismissed with reference to his financial standing. In order to assess the situation in its context, it must be noted that the applicant has been involved in an extensive number of judicial proceedings in which questions of the court fees and legal aid were examined repeatedly at all levels of jurisdiction of the ordinary courts and before the Constitutional Court (see, for example, the other proceedings reviewed in this judgment, the decision of 18 October 2005 on partial inadmissibility of the present application, the decisions and a judgment in applications nos. 32106/96, 56161/00, 13677/03, and many others).

89. The Court considers that, because of their direct knowledge of their society and its needs, the national authorities are in principle better placed than the international judge to appreciate the competing interests in the present case (see, among many other authorities, *mutatis mutandis*, *Weeks v. the United Kingdom*, judgment of 2 March 1987, Series A no. 114, p. 26, § 50). In so far as the application has been substantiated, the Constitutional Court's assessment in respect of the applicant's legal-aid request does not appear manifestly unreasonable, arbitrary or wrong.

90. In view of the above considerations the applicant cannot be considered as having exhausted domestic remedies, for the purposes of Article 35 § 1 of the Convention, in accordance with the applicable procedural requirements (see, for example, *Akdivar and Others v. Turkey*, judgment of 16 September 1996, *Reports of Judgments and Decisions* 1996-IV, p. 1210, § 66).

It follows that the complaint under Article 6 § 1 of the Convention in respect of the 1993 action must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

2. Actions of 14 December 1995, 23 May 1997, 1998, 1 October 1997 and 1996

91. As regards the actions of 14 December 1995, 23 May 1997, 1998, 1 October 1997 and 1996, the Government raised a similar objection of non-exhaustion of domestic remedies as mentioned above (see paragraph 84 above).

92. The applicant disagreed and advanced similar arguments to those mentioned above (see paragraph 85 above).

93. The Court observes that the proceedings on the applicant's appeal on points of law in the action of 14 December 1995 ended in 2004 and that the applicant did not complain of the overall length of these proceedings under Article 127 of the Constitution.

94. The Court further observes that the proceedings on the applicant's appeal on points of law in his action of 23 May 1997 ended in 2005 and that the applicant's complaint under Article 127 of the Constitution of their length was declared inadmissible as falling short of the applicable requirements.

95. The Court also observes that the action of 1998 is still pending on the applicant's appeal on points of law and that the applicant's complaint under Article 127 of the Constitution of the length of the proceedings was declared inadmissible as falling short of the applicable requirements.

96. Furthermore, the Court observes that the proceedings in the action of 1 October 1997 ended in 2003 and that there is no indication that the applicant complained of their length under Article 127 of the Constitution in accordance with the applicable procedural requirements.

97. Finally, the Court observes that the proceedings in the action of 1996 are still pending and that the applicant's constitutional complaint in respect of their length was inadmissible because he had failed to bring it through a lawyer.

98. For reasons similar to those indicated above (see paragraphs 87-89 above), the Court finds that the dismissals by the Constitutional Court of the applicant's requests for legal aid do not raise any issues under the Convention.

99. It follows that the complaint under Article 6 § 1 of the Convention of the length of proceedings in the actions of 14 December 1995, 23 May 1997, 1998, 1 October 1997 and 1996 must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

3. Proceedings concerning the estate of the applicant's mother

(a) Inheritance proceedings

100. The Government considered that the complaint of the length of the proceedings concerning the estate of the applicant's mother was manifestly ill-founded. They submitted that the proceedings had commenced on 28 May 1993 and that, apart from some minor delays imputable to the authorities, their length was mainly due to the applicant's procedural behaviour.

101. The applicant disagreed and reiterated the complaint. He emphasised that the proceedings had already commenced with his first letter to the Svidník notary in March 1992 and that their subject matter was particularly important for him.

102. The Court observes first of all that the inheritance proceedings were followed by proceedings in which the applicant sought enforcement of the inheritance decree. The former proceedings were judicial in their nature whereas the latter are administrative. The administrative proceedings are governed by a different procedural code, have different parties and involve the determination of administrative and technical questions, concerning the registration of the applicant's title, which are different from the legal questions determined in the inheritance proceedings. The Court finds that there is not a sufficiently direct connection between the inheritance proceedings and the proceedings in which the applicant sought registration of his title to treat them as a single matter for the purposes of Article 6 § 1 of the Convention. They will therefore be examined separately.

103. As for the inheritance proceedings as such, the Court finds that, for the purposes of Article 6 § 1 of the Convention, they had commenced on 9 March 1993 when the applicant had lodged a formal application for their commencement with the competent court. They ended on 26 July 2001, after having lasted about eight years and four months. The reasonableness of this period 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).

104. As for the subject matter of the proceedings, the Court does not find any particular complexity.

105. As to the applicant's conduct in the proceedings under examination, the Court observes that he once requested an adjournment of a hearing with a view to settling the case out of court, and that one hearing was adjourned in order to examine his claim that he had changed his name. The applicant did not appear at hearings six times, once submitting an apology one day before the hearing and three times three days before the hearings in question. In 1994 he had to be reminded three times to submit evidence. The Court finds that these actions and omissions caused delays in the proceedings.

106. Furthermore, the Court considers that the applicant's conduct in the present proceedings must be seen in the overall context of his litigious involvement in an extensive number of judicial proceedings at all levels of jurisdiction of the ordinary courts and before the Constitutional Court (see paragraph 88 above).

107. As regards the conduct of the authorities, the Court observes that the case was examined by the notary and courts at two levels of jurisdiction. The core of the proceedings took place before the notary, who held 12 hearings. Following his decision the case was transmitted to the courts, which dealt with it relatively quickly, another hearing being held before the first-instance court.

108. The Court discerns no reasons of relevance under Article 6 § 1 of the Convention to support the applicant's contention, in so far as it has been substantiated, that what was at stake for him in the present proceedings called for special diligence within the meaning of that provision.

109. Having regard to the foregoing considerations, in particular the applicant's procedural conduct both in the present proceedings and in a broader context, the Court concludes that there is no indication that the overall length of the proceedings in the present case was contrary to the requirements laid down in Article 6 § 1 (compare *Kandráčová and Others v. Slovakia* (dec.), no. 48674/99, 27 January 2004, and *Bleyová v. Slovakia* (dec.), no. 69353/01, 17 October 2006; and also, for example, *Katte Klitsche de la Grange v. Italy*, judgment of 27 October 1994, Series A no. 293-B, §§ 49-63; *Ciricosta and Viola v. Italy*, judgment of 4 December 1995, Series A no. 337-A, § 28; *Sergi v. Italy* (dec.), no. 46998/99, 26 September 2000; and *Viscomi v. Italy* (dec.), no. 52927/99, 8 February 2001).

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

(b) Proceedings for enforcement of the inheritance decree

110. Even assuming that the proceedings in question fall within the purview of Article 6 § 1 of the Convention, the complaint of their length is inadmissible because the applicant has failed to raise it by way of an administrative-law action and, as the case may be, a complaint under Article 127 of the Constitution (see *Csepyová v. Slovakia* (dec.), no. 67199/01, 8 April 2003).

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

4. Appeal on points of law of 1996

111. The Government argued that the complaint was manifestly ill-founded.

112. The applicant disagreed.

113. The Court observes at the outset that the applicant complained exclusively about the proceedings on his appeal on points of law and not about the proceedings at first instance and appeal. Nevertheless, for the assessment of its length, the appeal on points of law cannot be dissociated completely from the proceedings that preceded it (see *Pavlík v. Slovakia*, no. 74827/01, § 107, 30 January 2007).

114. It is to be noted that an appeal on points of law in Slovakia is an extraordinary remedy, the merits of which fall to be determined by the country's highest body of ordinary jurisdiction, the Supreme Court. The appeal in the present case was lodged on 19 January 1996 and decided upon on 9 December 1999. The proceedings in respect of it thus lasted more than three years and ten months.

The Court considers, in the light of the parties' submissions, that the complaint raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The Court concludes therefore that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. No other ground for declaring it inadmissible has been established.

5. *Action of 1991*

115. The Government submitted that, as a result of the Constitutional Court's judgment of 15 March 2005, 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 in this action. They pointed out that the applicant had obtained an express acknowledgment of a violation of his right and, as concluded by the Constitutional Court, in the circumstances there was no call for an award of just satisfaction.

116. The applicant contested that argument, submitted that no significant delays were imputable to him and argued that the redress afforded to him by the Constitutional Court could not be considered adequate or sufficient.

117. The Court reiterates that an applicant's status as a "victim" within the meaning of Article 34 of the Convention depends on whether the domestic authorities have acknowledged, either expressly or in substance, the alleged infringement of the Convention and, if necessary, provided appropriate redress in relation thereto. Only when these conditions are satisfied does the subsidiary nature of the protective mechanism of the Convention preclude examination of an application (see, among many other authorities, *Cocchiarella v. Italy* [GC], no. 64886/01, § 71, ECHR 2006-...).

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 v. Italy* (no. 1) [GC], no. 36813/97, § 204, ECHR 2006-...).

118. In the present case, although the proceedings as such had already commenced on 14 February 1991, the period to be taken into consideration began only on 18 March 1992, when the Convention entered into force in respect of Slovakia. Nevertheless, in assessing the reasonableness of the time that elapsed after that date, account must be taken of the state of proceedings at the time. It is to be noted that the courts divided the examination of the particular claims in the action of 1991 into two sets of proceedings (file nos. 7C 107/91 and 4C 1313/98) and that, pursuant to the judgment of 9 June 1999, a third set of proceedings was opened (see paragraph 48 above). Moreover, the proceedings were accompanied by proceedings for enforcement of the judgment of 31 October 1996, which also enjoyed the protection of Article 6 § 1 of the Convention and should be

taken into account (see, for example, *Hornsby v. Greece*, judgment of 19 March 1997, *Reports of Judgments and Decisions* 1997-II, p. 510, § 40, and also *Preložník v. Slovakia*, no. 54330/00, § 92, 12 December 2006).

The Court finds that, in these circumstances, for the purposes of Article 6 § 1 of the Convention, these claims should be treated as a single dispute. This dispute is still pending (see paragraph 53 above). The period under consideration has thus lasted more than fifteen years and three months for three levels of jurisdiction.

119. On 15 March 2005 the Constitutional Court found that there had been a violation of the applicant's right to a hearing without unjustified delay and ordered that the first-instance court proceed with the case expeditiously. However, apart from those rulings, it granted the applicant no just satisfaction. It considered that an award of just satisfaction was not appropriate, given in particular the applicant's contribution to the length of the proceedings. The Court cannot subscribe to that conclusion, in view of the overall length of the proceedings at that time and the following consideration.

120. The Court observes that since the Constitutional Court's judgment the action file no. 4C 1313/98 has remained pending before the first-instance court. It is thus uncertain what preventive effect, if any, the Constitutional Court's judgment had. In these circumstances, the Court finds that the redress granted to the applicant by the Constitutional Court, which was mainly of a declaratory nature, cannot be considered sufficient to deprive the applicant of the status of "victim" under the Convention. It follows that the Government's objection must be dismissed.

121. The Court considers, in the light of the parties' submissions, that the complaint raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The Court concludes therefore that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. No other ground for declaring it inadmissible has been established.

6. Action of 22 December 1995

122. The Government objected that the applicant had failed to exhaust domestic remedies by bringing the complaint to the Constitutional Court in respect of the proceedings as a whole under Article 127 of the Constitution in accordance with the applicable requirements.

123. The applicant disagreed.

124. The Court observes, first of all, that, in his constitutional complaint of 26 March 2004, the applicant challenged exclusively and specifically the proceedings before the District Court, which concerned solely his appeal on points of law. The applicant therefore cannot be considered as having exhausted domestic remedies in respect of the rest of the proceedings, in particular the basic proceedings at first-instance, the proceedings before the

court of appeal and before the Supreme Court (see *Šidlová v. Slovakia*, no. 50224/99, § 53, 26 September 2006, and *Pavlik v. Slovakia*, no. 74827/01, § 100, 30 January 2007). To the extent that the remainder of the complaint has been substantiated, the Court finds no appearance of a violation of the applicant's right under Article 6 § 1 of the Convention to a hearing within a reasonable time.

It follows that, in so far as domestic remedies have been exhausted, this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

7. *Actions of 2001 and 1999*

125. The Government objected that, in view of the Constitutional Court's judgments of 14 April 2005 (see paragraphs 70 and 81 above), 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 in these two actions.

126. The applicant contested that argument, submitting that, in respect of both of these actions, the redress afforded to him by the Constitutional Court was not sufficient.

127. The Court observes that the proceedings in the 2001 action commenced on 5 March 2001 and ended on 16 September 2004. They thus lasted about four years and one month for two levels of jurisdiction.

128. The proceedings in the 1999 action commenced on 3 February 1999 and ended on 2 September 2004. They thus lasted about five years and seven months for three levels of jurisdiction.

129. On 14 April 2005 the Constitutional Court found that there had been a violation of the applicant's right to a hearing without unjustified delay in both actions, and granted the applicant reimbursement of his legal costs. As for the former proceedings, it awarded him the equivalent of approximately 575 euros (EUR) in just satisfaction. As for the latter proceedings, it found that there was no call for an award of just satisfaction.

In the light of all the material submitted to it, the Court does not find this redress manifestly inadequate or insufficient, having regard to Article 41 of the Convention and the criteria cited above (compare *Šedý v. Slovakia*, no. 72237/01, §§ 74 and 75, 19 December 2006).

130. The Court therefore concludes that, even assuming that the length of these two sets of 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 the complaint of the length of the proceedings in the 2001 action and in the 1999 action is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

B. Merits

131. The Court is now called upon to determine whether the length of the proceedings in the appeal on points of law of 1996 and in the action of 1991 complied with the “reasonable time” requirement under Article 6 § 1 of the Convention.

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

133. Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or argument capable of persuading it to reach a different conclusion in the present case. Having regard to its case-law on the subject, despite the applicant's contribution to the length of the proceedings in question, the Court considers that in the instant case the length of the proceedings in the 1996 appeal on points of law and in the 1991 action was excessive and failed to meet the “reasonable time” requirement.

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

II. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

134. The applicant further complained that, as a result of the length of the proceedings in the 1991 action, he had been prevented from enjoying his possessions peacefully, as guaranteed by Article 1 of Protocol No. 1, which provides that:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A. Admissibility

135. The Government submitted that the applicant had failed to raise the Article 1 of Protocol No. 1 complaint before the Constitutional Court under Article 127 of the Constitution, and had therefore failed to exhaust domestic remedies as required under Article 35 § 1 of the Convention. They further submitted that, in any event, the complaint was manifestly ill-founded.

136. The applicant disagreed and pointed out that, contrary to the Government's suggestion, he had raised the Article 1 of Protocol No. 1 complaint in the supplement to his constitutional complaint.

137. The Court observes that on 10 October 2004 the applicant extended his constitutional complaint of 7 July 2004 by also claiming that the protracted length of the proceedings had constituted a violation of his rights under Article 1 of Protocol No. 1, and that this complaint had been found manifestly ill-founded by the Constitutional Court on 15 December 2004. It follows that the complaint cannot be rejected for non-exhaustion of domestic remedies.

138. The Court considers, in the light of the parties' submissions, that the complaint raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The Court concludes therefore that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. No other ground for declaring it inadmissible has been established.

B. Merits

139. Having regard to the finding of a violation of the applicant's right to a hearing within a reasonable time in the proceedings in the 1991 action (see paragraph 133 above), the Court finds that it is not necessary to examine separately the merits of the complaint of the violation of the applicant's rights under Article 1 of Protocol No. 1 as a consequence of the excessive length of those proceedings (see, for example, *Zanghì v. Italy*, judgment of 19 February 1991, Series A no. 194-C, p. 47, § 23; *Versini v. France*, no. 40096/98, § 35, 10 July 2001; and *Šidlová*, cited above, § 88).

III. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION, IN CONJUNCTION WITH ARTICLE 6 § 1 OF THE CONVENTION

140. The applicant further complained that he had had no effective remedy at his disposal in respect of his complaint about the excessive length of his proceedings. He relied on Article 13 of the Convention, which provides:

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

A. Admissibility

1. Actions of 1993, 14 December 1995, 23 May 1997, 1998, 1 October 1997, 1991 22 December 1995, 2001, 1996, 1999 and the enforcement of the inheritance decree of 7 February 2001

141. The Government pointed out that since 1 January 2002 there had been the remedy under Article 127 of the Constitution (see *Andrášik and Others*, cited above), which had been available to the applicant in respect of the proceedings that had been pending at that time.

142. The applicant contested that contention, reiterating substantially the same objections as mentioned above (see paragraph 85 above).

143. The Court reiterates that Article 13 of the Convention guarantees the availability at the national level of a remedy to enforce the substance of the Convention rights and freedoms. Its effect is to require the provision of a domestic remedy capable of dealing with the substance of an “arguable complaint” under the Convention and of granting appropriate relief (see, amongst other authorities, *Aksoy v. Turkey*, judgment of 25 September 1996, *Reports* 1996-VI, p. 2286, § 95).

144. As to the actions of 1993, 14 December 1995, 23 May 1997, 1998, 1 October 1997, 1991, 22 December 1995, 2001, 1996, 1999 and the enforcement of the inheritance decree of 7 February 2001, which were all pending on and after 1 January 2002, the applicant could and, in fact in some cases did, raise his length of proceedings complaint under Article 127 of the Constitution.

145. The Court reiterates further that the word “remedy” within the meaning of Article 13 does not mean a remedy which is bound to succeed, but simply an accessible remedy before an authority competent to examine the merits of a complaint (see, *mutatis mutandis*, *Bensaid v. the United Kingdom*, no. 44599/98, § 56, ECHR 2001-I).

In the light of the above the Court finds that in respect of the above proceedings the applicant did have at his disposal a remedy compatible with the requirements of Article 13 of the Convention.

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

2. Inheritance proceedings

146. The Government considered that there was no issue under Article 13 of the Convention in connection with these proceedings.

147. The applicant disagreed and upheld his complaint.

148. The Court has found that the applicant's complaint of the length of the inheritance proceedings was inadmissible (see paragraph 109 above).

For similar reasons, the applicant did not have an “arguable claim” and Article 13 of the Convention is therefore inapplicable to it.

It follows that that the Article 13 complaint in respect of the length of the inheritance proceedings is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

3. Appeal on points of law of 1996

149. The Government considered that there was no issue under Article 13 of the Convention in connection with the inheritance proceedings.

150. The applicant disagreed and upheld his complaint.

151. The Court notes that this complaint is linked to the one concerning the length of the proceedings in the appeal on points of law, which was examined above, and must therefore likewise be declared admissible.

B. Merits

152. The Court reiterates that Article 13 guarantees an effective remedy before a national authority for an alleged breach of the requirement under Article 6 § 1 to hear a case within a reasonable time (see *Kudła v. Poland* [GC], no. 30210/96, § 156, ECHR 2000-XI). It has previously found that there were no legal remedies in Slovakia at the relevant time capable of effectively redressing alleged violations of the right to a hearing within a reasonable time (see, for example, *Preložník v. Slovakia*, no. 54330/00, § 116, 12 December 2006) and sees no reason to reach a different conclusion in the present case.

153. Accordingly, the Court considers that in respect of the proceedings on the applicant's appeal on points of law of 1996 there has been a violation of Article 13 of the Convention on account of the lack of a remedy under domestic law whereby the applicant could have obtained a ruling upholding his right to have his case heard within a reasonable time, as set forth in Article 6 § 1 of the Convention.

IV. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION, IN CONJUNCTION WITH ARTICLE 1 OF PROTOCOL NO. 1

154. Lastly, relying on Article 13 of the Convention, the applicant complained that he had had no effective remedy at his disposal in respect of his complaint under Article 1 of Protocol No. 1 concerning his inability to enjoy his possessions peacefully on account of the length of the proceedings in the 1991 action.

155. Referring to their contention that the complaint under Article 1 of Protocol No. 1 was in any event manifestly ill-founded (see paragraph 135

above), the Government submitted that there was no “arguable claim” to attract the protection of Article 13 of the Convention.

156. The applicant disagreed and insisted on his complaint.

157. The Court observes that, in so far as the applicant had an “arguable claim” under Article 1 of Protocol No. 1, he was free to claim compensation in respect of any non-pecuniary damage by way of a complaint under Article 127 of the Constitution and in respect of pecuniary damage by way of an action under section 18 (1) of the State Liability Act of 1969 (see *Csepyová*, cited above, and *Šebeková and Horvatovičová v. Slovakia*, no. 73233/01, § 52, 14 February 2006). The Court finds that these remedies, taken together, provide the applicant with legal protection compatible with Article 13 of the Convention.

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

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

158. 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

159. The applicant claimed approximately SKK 350,000¹ plus any further amount that the Court would consider appropriate in respect of pecuniary damage. He also claimed EUR 1 for the proceedings in the 1998 action and SKK 150,000² for each of the remaining proceedings in respect of non-pecuniary damage.

160. The Government contested these claims.

161. 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 non-pecuniary damage. Ruling on an equitable basis and having regard to all the circumstances including the applicant's contribution to the length of the proceedings, it awards him EUR 8,000 under that head.

¹ SKK 350,000 is equivalent to approximately EUR 10,000.

² SKK 150,000 is equivalent to approximately EUR 4,300.

B. Costs and expenses

162. The applicant also claimed SKK 9,904¹ and a further amount which was not specified in detail for postage and various administrative and legal costs.

163. The Government invited the Court to determine the amount of the award in accordance with its case-law and the “subject value”.

164. 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 before the Court by a lawyer, the sum of EUR 280 to cover costs under all heads.

C. Default interest

165. 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* admissible (i) the complaint under Article 6 § 1 of the Convention concerning the excessive length of the proceedings in the 1996 appeal on points of law and in the 1991 action, (ii) the complaint under Article 1 of Protocol No. 1, and (iii) the complaint under Article 13 of the Convention of the lack of an effective remedy in respect of the excessive length of the proceedings in the 1996 appeal on points of law;
2. *Declares* inadmissible the remainder of the application;
3. *Holds* that there has been a violation of Article 6 § 1 of the Convention on account of the length of the proceedings in the 1996 appeal on points of law and in the 1991 action;
4. *Holds* that in respect of the proceedings in the 1996 appeal on points of law there has been a violation of Article 13 of the Convention on account of the lack of a remedy under domestic law whereby the applicant could have obtained a ruling upholding his right to have his

¹ SKK 9,904 is equivalent to approximately EUR 280.

case heard within a reasonable time, as set forth in Article 6 § 1 of the Convention;

5. *Holds* that it is not necessary to examine separately the merits of the complaint under Article 1 of Protocol No. 1;

6. *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 8,000 (eight thousand euros) in respect of non-pecuniary damage and EUR 280 (two hundred and eighty euros) in respect of costs and expenses, to be converted into the national 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;

7. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 2 October 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Fatoş ARACI
Deputy Registrar

Nicolas BRATZA
President