



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

FOURTH SECTION

DECISION

Application no. 24358/06
Edouard Antonov SAVOV against Bulgaria
and 4 other applications
(see list appended)

The European Court of Human Rights (Fourth Section), sitting on 3 July 2012 as a Committee composed of:

David Thór Björgvinsson, *President*,

Nebojša Vučinić,

Vincent A. De Gaetano, *judges*,

and Fatoş Aracı, *Deputy Section Registrar*,

Having regard to the applications listed in the table below, communicated as part of the groups of Karadimova (II) and 12 other applications (no. 15077/06 and others) and Slavov and Others and 15 other applications (no. 41095/05 and others),

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

THE FACTS

The applicants are Bulgarian nationals whose names and dates of birth are specified in the table below. Some of the applicants were legally represented. The legal representatives involved were Ms V. Krumova, Mr S. Kondev, Mr M. Ekimdzhiev, Ms K. Boncheva and Ms M. Bogoeva. The Bulgarian Government (“the Government”) were represented by their Agent, Ms R. Nikolova, of the Ministry of Justice.

The essential information as to the length of the proceedings in which the applicants were involved is indicated in the attached table.

COMPLAINTS

1. The applicants, relying on Article 6 § 1 of the Convention, complained about the length of criminal proceedings, and in some cases, relying on Article 13 of the Convention about the lack of effective remedies in relation to the length.

2. All applicants also raised additional complaints.

THE LAW

1. The Court considers that in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given their common legal background.

2. By a letter dated 29 March 2012 the Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by the applications. By these declarations the Government acknowledged the excessive length of the criminal proceedings and, in some cases, the lack of effective remedies in respect of the length, and offered the applicants various compensation sums (for the sums, see the table below).

The Government invited the Court to strike the applications out of the list of cases. They suggested that the declarations might be accepted by the Court as “any other reason” justifying the striking out of the cases of the Court’s list, as referred to in Article 37 § 1 (c) of the Convention.

The declarations also provided that the compensation sums were to cover any pecuniary and non-pecuniary damage, as well as, costs and expenses, where applicable, and would be free of any taxes that may be chargeable, to be converted into the national currency of the respondent State at the rate applicable at the date of settlement. The sums would be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay these sums within the said three-month period, the Government undertook to pay simple interest on them from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

When invited to submit comments in reply to the Government’s unilateral declaration, one of the applicants accepted the compensation proposed. The other applicants either disagreed with the declarations on

various grounds and requested the Court to pursue the examination of their cases or did not provide any comments.

The Court recalls that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

“for any other reason established by the Court, it is no longer justified to continue the examination of the application”.

The Court also recalls that in certain circumstances, it may strike out an application under Article 37 § 1(c) on the basis of a unilateral declaration by a respondent Government even if the applicant wish the examination of the case to be continued.

To this end, the Court will examine carefully the declaration in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey*, [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI); *WAZA Spółka z o.o. v. Poland* (dec.) no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.) no. 28953/03).

The Court has established in a number of cases, including those brought against Bulgaria, its practice concerning complaints about the violation of one’s right to a hearing within a reasonable time in criminal proceedings (see, for example, *Dimitrov and Hamanov v. Bulgaria*, §§ 70-73, cited above, with further references).

Having regard to the nature of the admissions contained in the Government’s declarations, as well as the amounts of compensation proposed – which are consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of these parts of the applications (Article 37 § 1(c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

In view of the above, it is appropriate to strike the applications out of the list in so far as they concern the excessive length of the criminal proceedings and the lack of effective remedies in respect of the length.

3. Having carefully examined the applicants’ remaining complaints in the light of all material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that these parts of the applications should be rejected as being manifestly ill-founded, pursuant to Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations under Article 6 § 1 of the Convention and in some cases under Article 13 in relation to the applicants' complaints concerning length of proceedings;

Decides to strike the applications out of its list of cases in so far as they relate to the above complaints, in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the applications inadmissible.

Fatoş Aracı
Deputy Registrar

David Thór Björgvinsson
President

APPENDIX

No.	Application no.	Lodged on	Applicant's name, year of birth, place of residence	Beginning and end of the domestic proceedings	Subject matter of domestic proceedings	Length of proceedings and instances concerned	Communicated complaints	Date of Government's unilateral declaration	Compensation sums offered by the Government (in euros)
1.	24358/06	02/06/2006	Edouard Antonov SAVOV 1963 Sofia	21/07/1999 – 12/01/2006	Criminal proceedings for a driving offence resulting in bodily harm of a third person	6 years and 5 months (2 levels of jurisdiction)	Art. 6 § 1 (length of proceedings)	29 March 2012	2,500
2.	20004/07	21/04/2007	Yordan Tachev GLAVCHEV 1951 Yambol	From: 13/03/1997 Until: 15/07/1998 From: 2000 (re-opening) Until: 25/02/2009 discontinuation	Criminal proceedings for embezzlement	Overall length before and after the re-opening about 10 years (three levels of jurisdiction)	Art. 6 § 1 (length of proceedings) Art. 13 (lack of effective remedies in respect of length)	29 March 2012	3,700
3.	21329/07	14/05/2007	Georgi Nikolov RUSEV 1957 Burgas	From: 25/07/2000 Until: 05/03/2007	Criminal proceedings for medium bodily harm	6 years and 7 months (two levels of jurisdiction)	Art. 6 § 1 (length of proceedings)	29 March 2012	2,400

4.	33492/07	29/06/2007	Stefan Todorov YURUKOV 1956 Sofia	From: 24/07/1999 Until: 03/01/2007	Criminal proceedings for attempted murder	7 years and 5 months (three levels of jurisdiction)	Art. 6 § 1 (length of proceedings)	29 March 2012	1,200
5.	34460/07	18/07/2007	Valentin Ivanov PETROV 1953 Vratsa	From: 28/08/1996 Until: 20/02/2007	Criminal proceedings for murder and unlawful possession of firearms	10 years and 5 months (three levels of jurisdiction)	Art. 6 § 1 (length of proceedings) Art. 13 (lack of effective remedies in respect of length)	29 March 2012	3,500