



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

DECISION

Application no. 39921/98  
by Miodrag RAJKOVIĆ  
against Slovenia

The European Court of Human Rights (First Section) sitting on 16 March 1999 as a Chamber composed of

Mrs E. Palm, *President*,  
Mr L. Ferrari Bravo,  
Mr Gaukur Jörundsson,  
Mr R. Türmen,  
Mr B. Zupančič,  
Mr T. Pantiru,  
Mr R. Maruste, *Judges*,

with Mr M. O'Boyle, *Section Registrar*;

Having regard to Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 25 November 1997 by Miodrag RAJKOVIĆ against Slovenia and registered on 17 February 1998 under file no. 39921/98;

Having regard to the report provided for in Rule 49 of the Rules of Court;

Having regard to the observations submitted by the respondent Government on 23 October 1998 and 3 February 1999, the observations submitted by the applicant on 24 December 1998 and to the applicant's letter of 13 February 1999;

Having deliberated;

Decides as follows:

## THE FACTS

The applicant is a Slovenian national, born in 1938 and living in Ljubljana.

The facts of the case, as submitted by the parties, may be summarised as follows.

On 29 January 1992 the applicant applied for an advance on payment of his military pension under Decree on the Advance on Payment of Military Pensions (Official Gazette no. 4/92 of 25 January 1992).

On 31 March 1992 the Pension and Invalidity Insurance Fund (Skupnost pokojninskega in invalidskega zavarovanja) found that the applicant had no right to such an advance as he did not fulfil the conditions prescribed by the law. His appeal was refused by the same body on 15 May 1992. The applicant applied for a judicial review.

On 4 February 1993 the Social Court in Ljubljana (Sodišče združenega dela pokojninskega in invalidskega zavarovanja) dismissed his claim. On 2 June 1994 the Higher Labour and Social Court (Višje delovno in socialno sodišče) in Ljubljana upheld this decision. On 5 September 1995 the Supreme Court (Vrhovno sodišče) dismissed the applicant's appeal on points of law.

On 10 November 1995 the applicant introduced a constitutional complaint with the Constitutional Court (Ustavno sodišče) alleging breaches of his constitutional rights to equal treatment, to property, social security and to human dignity and personal security. On 23 October 1996 and on 24 February 1997 respectively the applicant complained to the Constitutional Court that the proceedings lasted unreasonably long.

On 10 December 1998 the Constitutional Court quashed the earlier administrative and judicial decisions concerning the applicant's case and found that the applicant was entitled to receive an advance on military pension under the 1992 Decree on the Advance on Payment of Military Pensions.

## COMPLAINTS

The applicant complained that the courts wrongly established the facts in his case and deprived him of his pension, and that the proceedings before the Constitutional Court lasted unreasonably long. He invoked Articles 3 and 14 of the Convention and, in substance, also Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

## PROCEDURE

The application was introduced before the European Commission of Human Rights on 25 November 1997 and registered on 17 February 1998.

On 1 July 1998 the Commission decided to communicate the applicant's complaint concerning the length of proceedings before the Constitutional Court to the respondent Government and to declare the remainder of the application inadmissible.

On 1 November 1998, by operation of Article 5 § 2 of Protocol No. 11 to the Convention, the case fell to be examined by the Court in accordance with the provisions of that Protocol.

The Government's written observations were submitted on 23 October 1998 and supplemented on 3 February 1999. The applicant submitted his observations on 24 December 1998. In a letter of 13 February 1999 the applicant informed the Court, with reference to the Constitutional Court's decision of 10 December 1998, that he did not wish to pursue his application.

## **THE LAW**

Having regard to the applicant's above letter of 13 February 1999 as well as to Article 37 § 1 (a) of the Convention, the Court notes that the applicant does not intend to pursue the petition. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention which require the continuation of the examination of the application.

For these reasons, the Court, unanimously,

**DECIDES TO STRIKE THE APPLICATION OUT OF ITS LIST OF CASES.**

Michael O'Boyle  
Registrar

Elisabeth Palm  
President