



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

THIRD SECTION

Application no. 74550/12
Mária KUCEJOVÁ
against Slovakia
lodged on 11 November 2012

STATEMENT OF FACTS

The applicant, Ms Mária Kucejová, is a Slovak national, who was born in 1928 and lives in Púchov. She is represented before the Court by Mr R. Cibulka, a lawyer practising in Trnava.

A. The circumstances of the case

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

On 17 November 1998 the applicant's sister initiated civil proceedings before the District Court in Trnava claiming that real property in issue belonged to the estate of her late parents.

On 5 February 2004 the District Court allowed the applicant to join the proceedings as one of the plaintiffs.

The proceedings are pending.

On 16 April 2012 the applicant complained about their duration to the Constitutional Court. She claimed 3,000 euros (EUR) as just satisfaction and EUR 318.84 in reimbursement of her legal costs.

On 3 October 2012 the Constitutional Court found that the District Court had breached the applicant's right to a hearing within a reasonable time. There was no justification for the overall duration of the proceedings.

The Constitutional Court dismissed the applicant's claim for just satisfaction and legal costs. It noted that, between 28 May 2009 and 4 April 2012, it had delivered four judgments in which it had found a breach of the right to a hearing within a reasonable time in respect of nine other persons who were in the same position as the applicant in the above proceedings.

before the Trnava District Court. In those four judgments, the Constitutional Court had granted the complainants, who had been represented by the same lawyer as the applicant, the overall sum of EUR 18,000 as just satisfaction and EUR 1,609.85 for their legal costs.

The Constitutional Court expressed the view that the legal representative of the complainants had chosen to submit separate complaints in order to earn money. Had all the persons concerned submitted a single constitutional complaint, the overall just satisfaction award would have certainly not attained the amount of EUR 18,000, and the costs granted would have been lower than the above sum. As a result, the share in just satisfaction to which the applicant might be entitled as one of the multiple parties to the proceedings had been “granted to and consumed by” the precedent successful complainants before the Constitutional Court.

B. Relevant domestic law

Article 127 of the Constitution reads as follows:

“1. The Constitutional Court shall decide on complaints by natural or legal persons alleging a violation of their fundamental rights or freedoms ... unless the protection of such rights and freedoms falls within the jurisdiction of a different court.

2. If the Constitutional Court finds a complaint justified, it shall deliver a decision stating that a person’s rights or freedoms as set out in paragraph 1 have been violated by a final decision, specific measure or other act and shall quash that decision, measure or act. If the violation that has been found is the result of a failure to act, the Constitutional Court may order [the authority] which has violated the rights or freedoms to take the necessary action. At the same time it may remit the case to the authority concerned for further proceedings, order that authority to refrain from violating the fundamental rights and freedoms... or, where appropriate, order those who have violated the rights or freedoms set out in paragraph 1 to restore the situation to that existing prior to the violation.

3. In its decision on a complaint the Constitutional Court may grant appropriate financial compensation to the person whose rights under paragraph 1 have been violated.

4. The liability for damage or other harm of those who breached the rights or freedoms under paragraph 1 remains unaffected by the Constitutional Court’s decision.”

COMPLAINTS

The applicant complains under Article 6 § 1 of the Convention about the duration of the civil proceedings.

The applicant further alleges a breach of Article 14 of the Convention in that the Constitutional Court, contrary to its decisions in other similar cases and without relevant justification, refused to grant her just satisfaction and order the reimbursement of her costs.

QUESTIONS TO THE PARTIES

1. May the applicant still claim to be a victim of a violation of the Convention, within the meaning of Article 34?
2. If so, has the length of the civil proceedings in the present case been in breach of the “reasonable time” requirement of Article 6 § 1 of the Convention?
3. Has the applicant suffered discrimination, contrary to Article 14 of the Convention read in conjunction with Article 6 § 1?