

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

FIRST SECTION

# CASE OF BARTÓK v. SLOVAKIA

*(Application no. 2776/21)*

JUDGMENT

STRASBOURG

30 September 2021

*This judgment is final but it may be subject to editorial revision.*



**In the case of Bartók v. Slovakia,**

The European Court of Human Rights (First Section), sitting as a Committee composed of:

Erik Wennerström, *President,*
Lorraine Schembri Orland,
Ioannis Ktistakis, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 9 September 2021,

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

# PROCEDURE

1. The case originated in an application against Slovakia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 7 January 2021.

2. The applicant, a Slovak national, was represented by Ms P. Kupka, a lawyer practising in Brussels.

3. The Government of the Slovak Republic ("the Government") were given notice of the application.

# THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the overall excessive length of criminal proceedings which lasted from 28 January 2004 (when the charges were brought) until 10 February 2020 (when the judgment by which he had been acquitted of the charges was upheld on appeal by the Prešov Regional Court).

6. The proceedings were stayed twice due to the inability to summon a crown witness, namely from 29 October 2004 to 27 September 2010 and from 31 March to 12 May 2011.

7. Upon the applicant's constitutional complaint, the Constitutional Court examined the conduct of each of the public authorities (police, prosecution and ordinary courts of two levels). Recognising the overall length of the proceedings, the Constitutional Court held that none of the authorities had acted contrary to the reasonable time requirement (judgment no. II. ÚS 3/2020). It ruled that the criminal proceedings were quite factually complex due to a high number of witnesses residing abroad and, in particular, the inability to summon the crown witness, which had led to the stay in the proceedings on two occasions.

# THE LAW

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

8. The applicant complained that the length of the criminal proceedings in question had been incompatible with the "reasonable time" requirement. He relied on Article 6 § 1 of the Convention, which reads as follows:

**Article 6 § 1**

"In the determination of ... any criminal charge against him, everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal..."

9. The Government relied extensively on the Constitutional Court's conclusions, arguing that the complaint was manifestly ill-founded.

10. 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, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II, and *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

11. The proceedings at hand were pending from 28 January 2004 until 10 February 2020 before two levels of jurisdiction, excluding the periods when they were stayed due to the inability to summon the crown witness (see paragraph 6 above).

12. The complexity of the case stemmed from the inability to summon the crown witness, the reason why the proceedings had twice been stayed. As for the conduct of the applicant, the Court has not discerned from the case file any indication that he contributed to the delays. On the contrary, it is evident from the nature of the proceedings that it was in his interest that they be conducted expeditiously.

13. In the leading case of *Pavlík v. Slovakia* (no. 74827/01, 30 April 2007), the Court already found a violation in respect of issues similar to those in the present case.

14. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

15. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

## II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. 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."

17. Regard being had to the documents in its possession and to its case-law (see, in particular, *Pavlík v. Slovakia,* no. 74827/01, 30 April 2007), the Court finds it reasonable to award the sums indicated in the appended table.

18. The Court considers it appropriate that the default interest rate 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* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table;
   (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.

Done in English, and notified in writing on 30 September 2021, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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| Viktoriya Maradudina | Erik Wennerström |
| Acting Deputy Registrar | President |

# APPENDIX

## Application raising complaints under Article 6 § 1 of the Convention (excessive length of criminal proceedings)

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Start of proceedings | End of proceedings | Total length<br>Levels of jurisdiction | Domestic court<br>File number<br>Domestic award (in euros) | Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1] | Amount awarded for costs and expenses per application (in euros)[2] |
|---|---|---|---|---|---|---|---|---|
| 2776/21<br>07/01/2021 | **Blažej BARTÓK**<br>1974 | Petra Kupka<br>Brussels | 28/01/2004<br>27/09/2010<br>12/05/2011 | 29/10/2004<br>31/03/2011<br>10/02/2020 | 10 years and 7 days<br>2 levels of jurisdiction | Constitutional Court<br>I. US 3/2020<br><br>0 | 8,500 | 250 |

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.