

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

FIRST SECTION

CASE OF BARTOŠOVÁ v. SLOVAKIA

(Application no. 19735/22)

JUDGMENT

STRASBOURG

27 November 2025

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



In the case of Bartošová v. Slovakia,

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

Frédéric Krenc*, President*,
Davor Derenčinović,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 6 November 2025,

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 14 April 2022.

2. The applicant was represented by Mr O. Urban. Following his exclusion from representation under Rule 44D §§ 1 and 2 of the Rules of Court on 11 April 2023, for a period of two years starting on that date, the applicant was first represented by Mr T. Sisák, and then by Ms M. Lichnerová, lawyers practising in Bratislava.

3. The Slovak Government ("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 was detained on 22 May 2021. She and three other individuals were charged with a serious economic crime committed as part of an organised group within the Slovak Land Fund.

6. On 25 August 2021 the applicant lodged a request for release with the Office of Special Prosecutions of the Prosecutor General's Office (SPS). On 3 September 2021 the SPS dismissed it and on the same day transmitted it to the Specialised Criminal Court (SCC).

7. The latter dismissed the request on 20 September 2021 at a public hearing. Immediately after that decision had been pronounced, the applicant orally lodged an interlocutory appeal. She submitted the grounds on 24 and 27 September 2021.

8. It appears from the Government's observations that on 21 September 2021 the case was transmitted to the Supreme Court which on 18 October 2021 upheld the SCC's decision. It further appears from the case file that the SCC's decision was served on the applicant on 2 November 2021.

9. On 16 November 2021 the applicant lodged a constitutional complaint and complained, *inter alia*, that her request for release had not been decided speedily.

10. On 1 March 2022 the Constitutional Court dismissed the complaint as manifestly ill-founded. When examining the length of the judicial review at both levels of jurisdiction, the Constitutional Court referred to its well-established case-law and noted that the proceedings had not exceeded one month at each level. Accordingly, the requirement of speediness was satisfied (file no. I. ÚS 91/2022).

11. It further appears from the Government's observations that the applicant was released on 30 November 2021.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 5 § 4 OF THE CONVENTION

12. The applicant complained of the lack of speediness of judicial review of the lawfulness of her pre-trial detention. She relied on Article 5 § 4 of the Convention.

13. As concerns the Government's objection that the applicant had failed to exhaust domestic remedies because she had directed her constitutional complaint only against the Supreme Court's decision, the Court notes that the Constitutional Court examined the substance of the applicant's complaint in relation to both levels of jurisdiction, i.e. the SCC and the Supreme Court. Therefore, the applicant cannot be said to have failed to exhaust domestic remedies, and the Government's objection must accordingly be rejected (see *Vladimir Romanov v. Russia*, no. 41461/02, § 52, 24 July 2008).

14. Alternatively, the Government, relying on the Constitutional Court's decision of 1 March 2022, maintained that the application was manifestly ill-founded.

15. In the leading case of *Osváthová v. Slovakia,* no. 15684/05, 21 December 2010, the Court already found a violation in respect of issues similar to those in the present case.

16. The Court reiterates that according to its case-law the period under consideration under Article 5 § 4 of the Convention begins with the lodging of the application with the domestic authorities and, in the absence of a public pronouncement of the decision, ends on the day the decision is communicated to the applicant or to his representative (see ibid., § 71, with further references). Furthermore, when assessing the requirement of speediness, specific circumstances of each individual case, such as the complexity of the proceedings, their conduct by the domestic authorities and by the applicant, must also be taken into account (see, for example, among many other authorities, *Mooren v. Germany* [GC], no. 11364/03, § 106, 9 July 2009).

17. Turning to the facts of the present case the Court notes that the period concerned started running on 25 August 2021, when the applicant lodged her request for release, and ended on 2 November 2021, when she was served with the Supreme Court's decision. The judicial review of the applicant's request for release thus lasted two months and eight days before two levels of jurisdiction.

18. As regards the complexity of the proceedings the Court observes that the applicant's detention case appears to have been of a certain complexity, in particular, in view of the charges and the overall scope of the investigation, and the number of detained persons. However, judging by the level of generality of the Constitutional Court's decision regarding this issue, as well as the Government's observations, the Court finds no evidence to justify a conclusion that this complexity had any specific impact on the judicial assessment of the applicant's detention case (see *Michalák v. Slovakia*, no. 30157/03, § 195, 8 February 2011).

19. As to the conduct of the applicant, the Court notes that no significant delay can be attributed to her, apart from the fact that she submitted the grounds for her interlocutory appeal four and seven days after lodging the appeal orally.

20. With regard to the conduct of the authorities, the Court notes in particular that it took the SPS and the SCC twenty-six days to decide on the applicant's request. The Supreme Court then required a further twenty-seven days to determine the applicant's interlocutory appeal, followed by additional fifteen days to serve its decision. Accordingly, the period imputable to the courts amounts to sixty-one days (see *Karlin v. Slovakia*, no. 41238/05, § 101, 28 June 2011, where the Court found a violation of the right to a speedy judicial review of pre-trial detention in respect of forty-one days before two levels of jurisdiction).

21. 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.

22. This complaint is therefore admissible and discloses a breach of Article 5 § 4 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

23. Regard being had to the documents in its possession and to its case-law (see, in particular, *Osváthová,* cited above), the Court finds it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 5 § 4 of the Convention on account of the excessive length of judicial review of detention;

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 27 November 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Frédéric Krenc
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 5 § 4 of the Convention (excessive length of judicial review of detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of lodging complaint or request for release	End of judicial review of detention	Total length Levels of jurisdiction	Domestic court File number 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]
19735/22 14/04/2022	**Gabriela BARTOŠOVÁ** 1978	Monika Lichnerová Bratislava	25/08/2021	02/11/2021	2 months, 8 days 2 levels of jurisdiction	Constitutional Court IV. ÚS 91/2022 0	1,200	250

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