

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

FIRST SECTION

CASE OF KRÁTKY v. SLOVAKIA

(Application no. 34224/22)

JUDGMENT

STRASBOURG

28 May 2025

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



In the case of Krátky v. Slovakia,

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

Georgios A. Serghides*, President*,
Frédéric Krenc,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 7 May 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 6 July 2022.

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

THE FACTS

3. The list of applicants and the relevant details of the application are set out in the appended table.

4. On 22 January 2019 the applicants, Mr David Krátky ("the first applicant") and Mr Dominik Krátky ("the second applicant") were charged with a serious crime of attempted premeditated murder. The first applicant was additionally charged with the crime of theft.

5. On 29 January, 22 February and 18 March 2019 the investigator invited the applicants to designate a defence counsel. The second applicant did so on 22 February 2019. A power of attorney was submitted in respect of him on 8 April 2019. On 18 March 2019 the first applicant designated the same defence counsel as the second applicant. However, as no power of attorney was submitted, the pre-trial judge appointed another defence counsel for the first applicant. Subsequently, the applicants changed their defence counsels on a number of occasions, namely on 3 May and 15 October 2019 and on 15 May 2020.

6. In April and December 2019, the investigator requested expert reports from different fields. The reports were received on 30 May and 29 July 2019 and on 20 January and 31 December 2020.

7. On 24 October 2019 the investigator received the results of legal assistance in criminal matters from the Czech Republic requested on 11 July 2019.

8. The applicants lodged their first constitutional complaint about the allegedly excessive length of the pre-trial phase of the criminal proceedings on 30 August 2021. They claimed that the proceedings had lasted more than

two and a half years since they were charged which in itself constituted a violation of their rights under Article 6 § 1 of the Convention and its constitutional equivalent.

9. On 10 May 2022 the Constitutional Court rejected the applicants' constitutional complaint concerning the length of the pre-trial phase of the criminal proceedings partly on formal grounds and partly for being manifestly ill-founded. The Constitutional Court held that in relation to the investigator, the constitutional complaint did not contain legally relevant arguments, such as during which specific periods the investigator was inactive, or his activity was ineffective, confusing, unlawful, uncoordinated, etc. At the same time, the Constitutional Court found that as far as the complaint concerned the prosecution, it was manifestly ill-founded, because there had been no delays on their part. The Constitutional Court did not appoint a lawyer for the applicants, stating that it was clear from its previous findings that their constitutional complaint had no prospect of success (file no. II. ÚS 209/2022).

10. In August 2022 the prosecutor instructed the investigator to carry out further steps in the investigation within a period of four months. On 25 January 2023 a newly appointed investigator informed the prosecutor that his predecessor had not taken any of the steps requested.

11. The applicants lodged their second constitutional complaint on 23 June 2023, challenging, *inter alia*, the excessive length of the pre-trial phase of the criminal proceedings. They argued that the investigation was still pending and that between June 2021 and May 2023 no relevant steps were taken.

12. On 7 September 2023 the Constitutional Court dismissed the applicants' second constitutional complaint as manifestly ill-founded. The Constitutional Court found that in view of the circumstances of the case, the fact that the crime had been committed in the Czech Republic and the applicants' behaviour (the applicants insisted on the translation of several documents from Czech to Slovak, claiming that they did not sufficiently understand Czech), the length of the pre-trial phase of the criminal proceedings was not a constitutional issue. The Constitutional Court did not appoint a lawyer for the applicants as their constitutional complaint clearly lacked any prospect of success (file no. III. ÚS 438/2023).

13. On 21 December 2023 the applicants were indicted.

THE LAW

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

14. The applicants complained principally that the length of the pre-trial phase of the criminal proceedings in question had been incompatible with the

"reasonable time" requirement. They relied on Article 6 § 1 of the Convention.

15. Referring to *Obluk v. Slovakia*, no. 69484/01, § 62, 20 June 2006, the Government submitted that the applicants had failed to lodge their constitutional complaint in accordance with the formal requirements and thus had failed to exhaust the domestic remedies. They submitted that the applicants' constitutional complaint failed to identify any specific periods of inactivity or ineffective conduct on the part of the pre-trial authorities and confined itself to stating that the proceedings had lasted for more than two and a half years since they had been charged.

16. Alternatively, the Government argued that the application was manifestly ill-founded due to the factual complexity of the case and the obstructive behaviour of the applicants.

17. As regards the Government's plea of non-exhaustion, the Court notes that, in the case relied on by the Government, the Court accepted the established practice of the Constitutional Court with regard to the length of civil proceedings, under which applicants are obliged to lodge a constitutional complaint while proceedings are pending before the authority responsible for the alleged violation, and that the Constitutional Court's examination of an individual human rights complaint is limited by the way in which the summary of the complaint is formulated (ibid., § 62).

18. In the present case the Constitutional Court did not reproach the applicants for directing their complaint against the wrong authority, but for the lack of sufficient legal justification. In this regard, the Court agrees that the applicants' constitutional complaints were worded in a rather cursory fashion (see paragraphs 8 and 11 above). On the other hand, the Court notes that in its first decision, the Constitutional Court examined the merits of the applicants' complaints in relation to the alleged delays on the part of the prosecution, an authority involved in the pre-trial phase of the criminal proceedings (see paragraph 9 above), and in its second decision in relation to both, the investigator and the prosecution (see paragraph 12 above). Seeing that the Constitutional Court ruled on the merits of the applicants' complaint, albeit briefly, the Government's plea of non-exhaustion must be dismissed (see *Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland (no. 2)* [GC], no. 32772/02, §43, ECHR 2009).

19. 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 applicants and the relevant authorities and what was at stake for the applicants 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).

20. 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.

21. Having examined all the material submitted to it, the Court has not found any fact or argument, including the applicants' contribution to the delays (see paragraphs 5 and 12 above), capable of justifying the overall length of the proceedings at the national level.

22. In particular, the fact that the crime had been committed in the Czech Republic and that the investigating authorities had to request several expert reports, cannot in this case serve as a justification for the overall length of the proceedings. In this regard the Court observes that the domestic authorities obtained the answer from their Czech counterparts no later than some three months after they had filed the request for the assistance in criminal matters (see paragraph 7 above). Furthermore, the first part of the expert report requested in April 2019 was prepared in one month and the second part in three months and the expert report requested in December 2019 was also submitted in a month (see paragraph 6 above). As regards another requested expert report, the Court takes note that it was submitted after one year and eight months from the date of the request. The Court cannot ignore that the investigator did not take sufficient steps to urge the institution responsible for the preparation of the expert report. In addition, the investigator failed to comply with the prosecutor's order to carry out an additional investigation within the set time limit (see paragraph 10 above).

23. Having regard to the above and its case-law on the subject, the Court considers that in the instant case the length of the pre-trial phase of the criminal proceedings was excessive and failed to meet the "reasonable time" requirement.

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

II. REMAINING COMPLAINTS

25. The applicants also raised other complaints under various Articles of the Convention.

26. The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

27. It follows that this part of the application must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

28. 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 sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints concerning the excessive length of the pre-trial phase of the criminal proceedings admissible, and the remainder of the application inadmissible;

2. *Holds* that these complaints disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of the pre-trial phase of the criminal proceedings;

3. *Holds*
   (a) that the respondent State is to pay to each of the applicants, within three months, the amount 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 amount 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 28 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Georgios A. Serghides President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Start of proceedings	End of proceedings	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]
34224/22 06/07/2022	**Dávid KRÁTKY** 1991 **Dominik KRÁTKY** 1991	22/01/2019	21/12/2023	4 years and 11 months 1 level of jurisdiction	Constitutional Court: II. US 209/2022 0	2,310

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