

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

FIFTH SECTION

DECISION

Application no. 2869/07
by Marta DE SIMONE and Others
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 3 November 2011 as a Committee composed of:

Ganna Yudkivska, *President,*
Boštjan M. Zupančič,
Angelika Nußberger, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the settlement between the applicants and the State Attorney's Office,

Having deliberated, decides as follows:

PROCEDURE

The applicants are all Slovenian nationals living in Ankaran. The applicant Ms Marta De Simone was born in 1943, the applicant Mr Sandi De Simone was born in 1965 and the applicant Franco De Simone was born in 1962.

They were represented before the Court by Mr R. Munih, a lawyer practising in Koper. The Slovenian Government ("the Government") were represented by their Agent.

The applicants were parties to civil proceedings which were finally resolved before 1 January 2007, that is, before the 2006 Act on the Protection of the Right to a Trial without Undue Delay ("the 2006 Act") became operational. Subsequently they lodged an appeal on points of law with the Supreme Court. The applicants complained under Article 6 § 1 of

the Convention about the excessive length of proceedings and under Article 13 of the Convention about the lack of an effective domestic remedy in that regard.

After the Government had been given notice of the application, they informed the Court that they had made a settlement proposal to the applicants. The applicants subsequently informed the Court that they had reached a settlement with the State Attorney's Office and that they had already received the compensation agreed.

THE LAW

The Court takes note that following the settlement reached between the parties the matter has been resolved at the domestic level. It is satisfied that respect for human rights as defined in the Convention or its Protocols does not require the examination of the application to be continued (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the case out of the list in accordance with Article 37 § 1 (b) of the Convention.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Stephen Phillips Deputy Registrar	Ganna Yudkivska President