

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

THIRD SECTION

DECISION

Application no. 12321/11
Mirko GONDA
against Slovakia

The European Court of Human Rights (Third Section), sitting on 29 January 2013 as a Committee composed of:

Luis López Guerra, *President,*
Ján Šikuta,
Nona Tsotsoria, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 8 February 2011,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Mirko Gonda, is a Slovak national, who was born in 1957 and lives in Podkriváň. He was represented before the Court by Ms Z. Bejdová, a lawyer practising in Banská Bystrica.

The Government of the Slovak Republic ("the Government") were represented by their Agent, Ms M. Pirošíková.

The applicant complained under Article 6 § 1 of the Convention about the length of civil proceedings. He further complained under Article 13 of the Convention that he had not had at his disposal an effective remedy in respect of his complaint under Article 6 § 1 of the Convention.

On 11 and 12 December 2012 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive

any further claims against Slovakia in respect of the facts giving rise to this application against an undertaking by the Government to pay him 4,400 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses. This sum will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

## THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

*Decides* to strike the application out of its list of cases in accordance with Article 39 of the Convention.

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| Marialena Tsirli<br>Deputy Registrar | Luis López Guerra<br>President |