

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

THIRD SECTION

DECISION

Application no. 63991/11
Baltazár HARIS
against Slovakia

The European Court of Human Rights (Third Section), sitting on 27 May 2014 as a Committee composed of:

Dragoljub Popović, *President,*
Ján Šikuta,
Iulia Antoanella Motoc, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 17 September 2011,

Having regard to the declaration submitted by the respondent Government on 8 January 2014 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Baltazár Haris, is a Slovak national, who was born in 1954 and lives in Nesvady. He was represented before the Court by Ms E. Szabóová, a lawyer practising in Nové Zámky.

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 registered before the Komárno District Court under file no. 6 C 132/1999. The proceedings were instituted on 8 March 1999 and they are still pending. Their duration has thus exceeded 15 years. During that period courts at three levels of jurisdiction dealt with the case. On 10 May 2011 the Constitutional Court found a breach of the applicant's right to a hearing within a reasonable time under Article 6 § 1 of the

Convention. It ordered the District Court to avoid further delays in the proceedings and dismissed the applicant's claim for just satisfaction.

On 11 September 2013 the complaint concerning the length of the proceedings was communicated to the Government.

THE LAW

After the failure of attempts to reach a friendly settlement, by a letter of 8 January 2014 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The declaration provided as follows:

> "The Government acknowledge both the applicant's status of the victim within the meaning of Article 34 of the Convention and the unreasonable duration of the domestic proceedings in which the applicant was involved.
>
> I, Marica Pirošíková, the Agent of the Government of the Slovak Republic before the European Court of Human Rights, declare that the Government offer to pay to Mr Baltazár Haris the sum of EUR 3,150 (three thousand one hundred and fifty euros), plus any tax that may be chargeable to the applicant.
>
> The Government would suggest that the above information be accepted by the Court as "any other reason" justifying the striking out of the case of the Court's list of cases, as referred to in Article 37 § 1 (c) of the Convention.
>
> In the event of the Court's decision pursuant to Article 37 § 1 of the Convention, the Government undertake to pay to the applicant the declared sum within the three months from the date of notification of the decision. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from 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. This payment will constitute the final settlement of the case."

In a letter of 21 February 2014, the applicant stated that the sum mentioned in the Government's declaration was unacceptably low and therefore refused to accept it.

The Court recalls that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

> "for any other reason established by the Court, it is no longer justified to continue the examination of the application".

It also recalls that in certain circumstances, it may strike out an application under Article 37 § 1 (c) on the basis of a unilateral declaration

by a respondent Government even if the applicants wish the examination of the case to be continued.

To this end, the Court will examine carefully the declarations in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey*, [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI); *WAZA Spółka z o.o. v. Poland* (dec.) no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.) no. 28953/03).

The Court has established in a number of cases, including those brought against Slovakia, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 178-227, ECHR 2006-V; *Majewski v. Poland*, no. 52690/99, 11 October 2005; *Rapoš v. Slovakia*, no. 25763/02, §§ 32-34, 20 May 2008; *Bič v. Slovakia*, no. 23865/03, §§ 39-41, 4 November 2008 or *Rusnáková v. Slovakia*, no. 51071/06, §§ 28-35, 14 April 2009).

Having regard to the nature of the admissions contained in the Government's declaration, as well as the amount of compensation proposed the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

The Court considers that this amount should be paid within three months from the date of notification of the Court's decision issued in accordance with Article 37 § 1 of the European Convention on Human Rights. In the event of failure to settle within this period, simple interest shall be payable on the amount in question at a rate equal to the marginal lending rate of the European Central Bank plus three percentage points.

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration under Article 6 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Marialena Tsirli
Deputy Registrar

Dragoljub Popović
President