

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

FIFTH SECTION

DECISION

Application no. 30241/06
by Jurij and Milena HOČEVAR
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 22 February 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 above application lodged on 27 June 2006,

Having regard to the Government's settlement proposal made to the second applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant Ms Milena Hočevar (the second applicant) is a Slovenian national who was born in 1943 and lives in Ljubljana. She was married to the applicant Mr Jurij Hočevar (the first applicant) who was also born in 1943 and lived in Ljubljana. He died on 16 May 2008, in the course of the proceedings before the Court. On 22 October 2008 the Ljubljana Local Court declared that the second applicant was one of the first applicant's heirs. On 16 September 2010 the second applicant declared that she wished to pursue the part of the application concerning the first applicant.

The second applicant was represented before the Court by Ms M. Verstovšek, a lawyer practising in Ljubljana.

The Slovenian Government ("the Government") were represented by their Agent.

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicants were parties to civil proceedings which were finally resolved (*pravnomočno končan postopek*) 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. They subsequently lodged an appeal on points of law with the Supreme Court (*Vrhovno sodišče*).

COMPLAINTS

The applicants complained under Article 6 § 1 of the Convention about the excessive length of civil proceedings and under Article 13 of the Convention about the lack of an effective domestic remedy in that regard.

THE LAW

In the present case, the Court notes that, after the Government had been given notice of the application, they informed the Court that they had made a settlement proposal to the second applicant in respect of her own complaints as well as in respect of the late first applicant's complaints.

By the settlement agreement signed by the State Attorney's Office and the second applicant, the former acknowledged a violation of the right to a trial within a reasonable time and accepted to pay the second applicant the non-pecuniary damage sustained and costs and expenses incurred. The second applicant accepted the amount as full compensation for the damage sustained due to the length of the above proceedings and waived any further claims against the Republic of Slovenia in respect of these complaints. The second applicant subsequently informed the Court, in writing, that the case had been settled at the domestic level and that she wished to withdraw the application in its entirety.

The Court first notes that the second applicant as the heir of the first applicant wished to continue the present proceedings on behalf of her late husband and finds that there are no obstacles for her to do so (see, for example, *Kovačić and Others v. Slovenia* [GC], nos. 44574/98, 45133/98 and 48316/99, §§ 189-192, 3 October 2008).

Furthermore, the Court takes note of the friendly settlement reached between the parties. 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 (a) of the Convention.

For these reasons, the Court unanimously

Holds that the second applicant has standing to continue the present proceedings in the first applicant's stead;

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

Stephen Phillips	Ganna Yudkivska
Deputy Registrar	President