

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

THIRD SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 27753/06
by L.Z.
against Slovakia

The European Court of Human Rights (Third Section), sitting on 27 September 2011 as a Chamber composed of:

Josep Casadevall, *President,*
Corneliu Bîrsan,
Egbert Myjer,
Ján Šikuta,
Ineta Ziemele,
Nona Tsotsoria,
Kristina Pardalos, *judges,*

and Santiago Quesada, *Section Registrar,*

Having regard to the above application lodged on 8 July 2006,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having regard to the comments submitted by the Slovak Government,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr L. Z., is a Slovak national who was born in 1958 and lives in Prague, in the Czech Republic. He was represented before the Court by Mr D. Strupek, a lawyer practising in Prague. The applicant has

requested anonymity and the Court has granted this request, under Rule 47 § 3 of the Rules of Court.

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

A. The circumstances of the case

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

1. Background to the case

3. The applicant is of Jewish origin and works as a social and human rights worker and psychologist. He has been living in the Czech Republic since 1983.

4. Varín is a village in northern Slovakia with population of around 3,500 inhabitants.

5. On 4 November 1993 Varín Municipal Council ("the municipal council") passed a resolution changing the name of a street in the village to Dr. Jozef Tiso Street.

6. After protests by two local organisations, the resolution was confirmed by a second resolution of the municipal council on 28 December 1993. The resolution reads as follows:

> "Varín Municipal Council, by way of resolution No. 224/1993 of 28 December 1993, adopted a change in the name of the street ... to Dr. Jozef Tiso Street (*ulica Dr. Jozefa Tisa*)...."

7. According to an official statement of the Historical Institute of the Slovak Academy of Sciences of 17 May 1999 sent to the applicant upon his own request,

> "... J. Tiso was the head of State between 1939 and 1945 who collaborated with Nazi Germany and waged war against the [Allied] States. Moreover, under his leadership a totalitarian regime of a fascist character was established, which, *inter alia*, caused the violent deaths of tens of thousands of its citizens. J. Tiso, as the Prime Minister [and] President of the State and as the President of the sole governing [party], the Hlinka Slovak People's Party, as the top commander of the State's army and as the top commander of the Hlinka Guard, bears the greatest part of the political, legal and moral responsibility for all the events in the Slovak State during the war."

8. On 21 February 1994 the municipal council asked the Street Naming Committee of the Žilina District Office to submit an official opinion on the change of the street's name.

9. In its opinion of 12 April 1994 the Committee did not recommend naming the street after Dr. Jozef Tiso, "since the personality of Dr. Tiso has not yet been historically assessed".

10. In 1995 the applicant unsuccessfully sought to initiate criminal proceedings. In 1998 he brought a civil claim, mainly seeking the quashing

of the municipal council's resolution, renaming of the street and payment of symbolic compensation. Both his civil claim and his subsequent constitutional complaints against the decisions of the prosecution service and the courts were dismissed. The details are described below.

2. Criminal proceedings and proceedings before the prosecution service

11. In 1995 the applicant unsuccessfully sought to initiate criminal proceedings concerning the adoption of the above-mentioned municipal resolution on 28 December 1993. In 1996 the applicant also unsuccessfully sought to initiate criminal proceedings against the police investigator who had dismissed the applicant's criminal complaint. Both complaints were dismissed by the Žilina District Prosecutor's Office.

12. On 11 March 1996 the District Prosecutor's Office, exercising its power to review the lawfulness of actions and decisions of public authorities, notified the municipal council that the renaming of the street was in breach of section 8(3) of the Territorial and Administrative Organisation of the Slovak Republic Act. That section provides that the names of streets are to be determined by municipal councils after taking into account an opinion of the Street Naming Committee established by the District Office.

13. By letter of 12 April 1994 the municipal council informed the District Prosecutor's Office that its letter had been discussed by the municipal council.

3. Civil proceedings

(a) Proceedings before the Žilina District Court

14. On 11 December 1998 the applicant lodged a petition with the Žilina District Court seeking a ruling declaring that the naming of the street after Dr. Jozef Tiso was in breach of the Slovakian Constitution. He requested that the relevant part of the municipal council's resolution be declared null and void and be quashed, that the street be renamed and that the municipal council be ordered to pay symbolic compensation of 1 Slovakian koruna (SKK) to all registered churches in Slovakia.

15. On 10 December 1999 the District Court invited the applicant to provide further and more specific particulars of claim.

16. On 21 December 1999 the applicant amended his claim with regard to the renaming of the street and changed it with regard to the compensation sought by requesting that a symbolic sum of SKK 16 be paid to him.

17. On 13 August 1999 the District Court hived off the part of the applicant's claim concerning the validity of the resolution to separate proceedings. On 27 March 2000 the District Court dismissed these proceedings, holding that it had no jurisdiction to examine the legality of the

municipal council's resolution and transferred the case to the Constitutional Court.

18. By letter of 6 February 2001 the Constitutional Court returned the case file to the Žilina District Court without having made a decision. It stated that proceedings before the Constitutional Court could not be initiated by a case being transferred to it by an ordinary court.

19. On 21 March 2001 the Žilina District Court informed the applicant of the Constitutional Court's letter and concluded that the decision to dismiss the proceedings concerning the validity of the resolution was final and the case file would be archived.

20. Meanwhile, on 6 July 2000, the Žilina District Court had informed the applicant that his claim for the renaming of the street and for payment of compensation fell to be determined within the framework of the protection of his personal integrity. It transferred the case to the Levice District Court, as the matter lay within that court's territorial jurisdiction.

(b) Proceedings before the Levice District Court and subsequent proceedings

21. On 17 April 2001 the Levice District Court dismissed the proceedings and transferred the case to the Constitutional Court, holding that it had no jurisdiction to deal with the case.

22. On 7 June 2001 the applicant appealed against the decision.

23. On 11 June 2002 the Levice District Court amended its decision of 17 April 2001, in that it hived off the applicant's claim for payment of SKK 16 in compensation to a separate set of proceedings.

24. On 31 December 2002 the Nitra Regional Court quashed the first-instance decision to dismiss the proceedings and to transfer the case to the Constitutional Court and returned the case to the Levice District Court. It held, *inter alia*, that proceedings before the Constitutional Court could not be started by dismissing and transferring a civil case pending before a civil court.

25. On 26 September 2003 the District Court asked the applicant to provide further and more specific particulars of claim, namely to justify it and to adduce evidence in support of his claim within fifteen days.

26. On 31 October 2003 the applicant amended his claim. He argued that the renaming of the street and the existence of a street bearing the name of Dr. Jozef Tiso had violated his right to life, personal freedom and human dignity and had damaged his reputation. He felt ashamed of a municipality which had promoted fascism and had honoured a war criminal. He further stated that he was worried about fundamental human rights and freedoms and democracy in Slovakia being jeopardised. He added that he identified himself with Slovakia and he could not be indifferent towards any of its citizens who might become a victim of the consequences of the promotion of fascism.

27. On 22 April 2004 at an oral hearing the District Court joined the proceedings concerning the renaming of the street after Dr. Jozef Tiso and those seeking the payment of compensation. The applicant further specified his claim. The applicant stated, *inter alia*, that his aim had been to prevent a repetition of the murder of tens of thousands of people in the future. He claimed that he had been mocked by some of his friends as a result of the public act in issue.

28. On 27 April 2004 the District Court dismissed the applicant's claim.

29. As to the applicant's arguments relating to the alleged violation of his personal integrity, the District Court held:

> "The fact that a street in the village of Varín was given the name of Dr. Jozef Tiso, which was decided upon by the municipal council and in consequence of which the street exists, cannot be considered as an action which is objectively capable of affecting the applicant's right to life, his personal freedom, his reputation and dignity. This act (the decision of the municipal council) is not aimed, concretely and directly, at the applicant's personality or at his personal integrity. The claimant did not prove that the defendant had unlawfully infringed his right to protection of his personality or infringed his personal integrity. The claimant did not prove that, as a consequence of the defendant's action, he suffered any damage that should be compensated."

30. On 19 July 2004 the applicant appealed.

31. At a hearing on 12 October 2004 the Regional Court upheld the District Court's judgment.

32. On 7 January 2005 the applicant appealed on points of law. He argued that he had not been allowed to comment on all the evidence and statements led by the defendant and that he had been prevented from presenting his arguments by the trial court.

33. On 17 June 2005 the Supreme Court rejected the appeal on points of law as inadmissible. The Supreme Court held that the minutes of the hearing before the Regional Court showed that the applicant had been given an opportunity to respond to the defendant's arguments. It further held that the only evidence before the court had been a recording of a television programme produced by the applicant.

4. Constitutional proceedings

34. On 8 February 2005 the applicant complained before the Constitutional Court under Article 127 of the Constitution that the relevant part of the resolution of the municipal council, the decisions of the Žilina District Police Investigation Office and the Žilina District Prosecutor's Office to dismiss the applicant's complaints (see paragraph 12 above), the conduct of the Žilina District Court and the conduct and decisions of the Levice District Court and of the Nitra Regional Court had, *inter alia*, violated his rights under Articles 6 § 1 and 8 of the Convention.

35. On 9 June 2005 the Constitutional Court rejected the complaint relating to the municipal council's resolution and to the conduct of the

Žilina District Court as belated. The complaint relating to the decision of the Police Investigation Office and the District Prosecutor's Office was rejected because the applicant had failed to complain to higher levels of the prosecution service. The complaint of delays in the proceedings before the Levice District Court was rejected as manifestly ill-founded, as at the time of the introduction of the constitutional complaint the proceedings had no longer been pending before the District Court. The Constitutional Court also held that it lacked jurisdiction to deal with the complaint related to the proceedings before the Nitra Regional Court, as the proceedings concerning the appeal on points of law were still pending.

36. On 13 October 2005 the applicant again complained to the Constitutional Court under Article 127 of the Constitution. He directed his complaint against the relevant part of the municipal council's resolution, the conduct of the Žilina District Court, the conduct and decisions of the Levice District Court and of the Nitra Regional Court and the Supreme Court's decision to dismiss the appeal on points of law.

37. On 30 November 2005 the Constitutional Court rejected the complaint relating to the municipal council's resolution and to the District and the Regional Courts' conduct and decisions on the grounds that it concerned a matter that was *res judicata.* The Constitutional Court further held that the Supreme Court's decision had been adequately reasoned and had not been arbitrary. The complaint related to the Supreme Court's decision was therefore dismissed as being manifestly ill-founded.

38. On 25 January 2006 the applicant complained to the Constitutional Court for the third time, directing his complaint exclusively against the Supreme Court's decision.

39. On 20 June 2006 the Constitutional Court rejected the complaint as inadmissible on the grounds that the matter was *res judicata* by force of its earlier decision.

B. Relevant domestic law and practice

1. The Constitution (Constitutional Law no. 460/1992 Coll., as applicable at the relevant time)

40. According to Article 127, the Constitutional Court shall decide on complaints against final decisions of central and local State administrative bodies and municipal bodies which are claimed to have infringed fundamental rights and freedoms, unless the protection of such rights and freedoms falls within the jurisdiction of a different court.

2. The Territorial and Administrative Organisation of the Slovak Republic Act (Law no. 517/1990) (Zákon o územnom a správnom členení Slovenskej republiky)

41. Section 8(2) provides that streets shall be named after objects, natural phenomena, significant events, towns, deceased persons and so forth, having regard to the history of the relevant municipality and its surroundings. The names of living persons, names which are too long, which are identical to the name of another street in the municipality, which offend moral, religious and/or national feelings, which are linguistically incorrect, which are inappropriate with regard to the historical development of the municipality, its wards or its surroundings, are impermissible as street names.

42. Subsection 3 of section 8 provides that names of streets shall be decided by a municipal council after consulting with the municipality's citizens and after obtaining the opinion of the Street Naming Committee established by the District Office.

3. The Civil Code and relevant domestic practice

43. The right to the protection of a person's dignity, honour, reputation and good name is guaranteed by Articles 11 et seq. of the Civil Code.

44. According to Article 11, any natural person has the right to the protection of his or her personality, in particular of his or her life and health, civil and human dignity, privacy, name and personal characteristics.

45. According to Article 13 § 1, any natural person has the right to request that an unjustified infringement of his or her personality rights be stopped and the consequences of such infringement eliminated, and to obtain appropriate compensation.

46. Article 13 § 2 provides that, in cases where the compensation obtained under Article 13 § 1 is insufficient, in particular because a person's dignity and position in society has been considerably diminished, the injured person is entitled to compensation for non-pecuniary damage.

47. In accordance with established practice, a claimant has to prove that the alleged infringement was objectively capable of affecting his or her rights under Article 11 of the Civil Code.

C. Practice of the UN Committee on the Elimination of Racial Discrimination

48. The Committee on the Elimination of Racial Discrimination, established under Article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted an opinion in the case of Steven Hagan v. Australia, CERD/C/62/D/26/2002. In 2002 the Australian petitioner complained before the Committee that the grandstand

of an important sporting ground in Toowoomba, Queensland, Australia, where the applicant lived, was named the E.S. "Nigger" Brown Stand.

49. The applicant contended that the term "nigger" was one of the most racially offensive words in the English language.

50. On 20 March 2003 the Committee held that use and maintenance of the term "can at the present time be considered offensive and insulting, even if for an extended period it may not have necessarily been so regarded."

51. The Committee stated that the Convention on the Elimination of All Forms of Racial Discrimination "must be interpreted and applied taking into account the circumstances of contemporary society. In this context, the Committee considers it to be its duty to recall the increased sensitivities in respect of words such as the offending term appertaining today."

COMPLAINTS

52. The applicant complained that his right to respect for his private life had been violated, in that the municipal council had named a street in Varín after Dr. Jozef Tiso. He alleged a violation of Article 8 of the Convention.

53. Relying on Article 6 § 1 of the Convention, the applicant also complained that the overall length of the proceedings concerning his claim of 11 December 1998 had been excessive and that the Nitra Regional Court had violated his right to a fair hearing by an impartial tribunal, in that during an oral hearing before that court he had not been granted sufficient opportunity to present his arguments and to make procedural motions.

54. The applicant further complained that, by failing to prevent the honouring of Dr. Jozef Tiso, the Slovak Republic had violated his rights under Article 5 § 1 of the Convention.

55. The applicant also alleged a violation of Article 13 of the Convention, in that he had had no effective remedy at his disposal in respect of his complaint under Article 8 of the Convention.

56. Finally, the applicant complained under Article 14 of the Convention that he had been discriminated against in the enjoyment of his rights under Articles 5 § 1, 6 § 1, 8 and 13 of the Convention on the basis of his anti-fascist opinions, in that the Constitutional Court had refused to decide on the merits of his constitutional complaints.

THE LAW

A. Article 8 of the Convention

57. The applicant complained that his right to respect for his private life had been violated. He relied on Article 8 of the Convention, which in so far as relevant provides as follows:

> "1. Everyone has the right to respect for his private ... life, ...
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

1. Arguments of the parties

(a) The Government

58. The Government argued that the applicant had not exhausted domestic remedies, as he had not challenged the municipal council's resolution by lodging a complaint under Article 127 of the Constitution (as then in force).

59. They also argued that he had lodged his application outside the six-month time-limit. They further objected that the applicant could not claim to be a victim of a violation under Article 8 of the Convention and his claim was therefore incompatible *ratione personae*, as there had been no direct link between the measure complained of and the applicant's private life.

60. They further submitted that the applicant had not presented any evidence showing that the renaming of the street had had any negative effect on his private life.

61. Moreover, the renaming of the street after Dr. Jozef Tiso had not proved to have strengthened extremist groups in Slovakia, contrary to the applicant's assertions.

(b) The applicant

62. The applicant disagreed and emphasised that the renaming of the street in Varín had to be considered as an arbitrary interference by the public authorities with his private life. Referring to the case of *Hagan v. Australia* cited above, the applicant submitted that he had felt affected by the new name of the street in issue.

63. He argued that the municipal council's resolution had attracted the attention of the media and that the effect of the act had therefore crossed the borders of the municipality. He maintained that Dr. Jozef Tiso had been a war criminal and had been partially responsible for the holocaust of the

Slovakian Jews and Roma. Honouring such a person had damaged the whole country and its reputation, which had inevitably affected the private life of each of its citizens, no matter whether they lived near or far from the village in question.

64. The applicant, being active in the field of human rights protection, had felt ashamed, offended and humiliated by the act of the public authority. He stated that it had strengthened groups of extremists, which could, as a result, jeopardise individuals or members of groups active in the same field as the applicant, as they could become the more frequent target of physical attacks by neo-Nazis.

2. The Court's assessment

65. The Court is aware of the highly sensitive nature of the issues involved in the present case and its context (see *Feldek v. Slovakia,* no. 29032/95, ECHR 2001-VIII). However, it emphasises from the outset that it is not its task to settle possible points of debate among historians (see, *mutatis mutandis*, *Lehideux and Isorni v. France*, 23 September 1998, § 47, *Reports of Judgments and Decisions* 1998-VII), but rather to examine the impact of a specific situation on the applicant's rights under Article 8 of the Convention, namely the existence of a street in the village of Varín named after Dr. Jozef Tiso.

66. In respect of the issues involved in the present case, the Court emphasises the importance of vigilance towards fascist and other totalitarian movements and demonstrations of intolerance in democratic societies. It also emphasises the importance, in a democratic society, of historical debate about a public figure, in respect of whom different opinions have been and might be expressed (see *Lehideux and Isorni v. France,* quoted above, § 45).

67. At the same time, the Court reiterates that denial of certain historical facts may undermine the values on which the fight against racism and anti-Semitism are based and constitutes a serious threat to public order (see, *Garaudy v. France* (dec.), no. 65831/01, ECHR 2003-IX).

68. In this context, referring to Article 1 of the Convention, the Court reminds that it is primarily for the Contracting States to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention and its Protocols and to uphold the fundamental values of the Convention and of democracy. Moreover, as a general point of departure, the Court acknowledges that making a "remark directed against the Convention's underlying values" may in certain circumstances constitute an affront to Convention rights of individuals and groups of individuals (see, *mutatis mutandis*, *Paksas v. Lithuania* [GC], no. 34932/04, § 88, 6 January 2011 with further references). For that matter, it is noted that, as expressed by the Slovakian legislator, streets in general should not be given names that

offend moral, religious or national feelings or names that are inappropriate in view of historical circumstances (see paragraph 41 above).

69. However, in assessing the present case, the Court considers that it is necessary first of all to examine the applicant's status as a victim of a violation of his rights under Article 8 of the Convention, within the meaning of Article 34 of the Convention. The Court considers that this question is closely linked to the scope of the protection of Article 8 of the Convention.

70. In that respect, the Court reiterates that the concept of "private life" is a broad term not susceptible to exhaustive definition. It covers the physical and psychological integrity of a person (see *Pretty v. the United Kingdom*, no. 2346/02, § 61, ECHR 2002-III, and *Y.F. v. Turkey*, no. 24209/94, § 33, ECHR 2003-IX). It can therefore embrace multiple aspects of the person's physical and social identity (see *Mikulić v. Croatia*, no. 53176/99, § 53, ECHR 2002-I). Article 8 protects also a right to personal development, and the right to establish and develop relationships with other human beings and the outside world (see *Evans v. the United Kingdom* [GC], no. 6339/05, § 71, ECHR 2007-IV). The concept of private life moreover includes elements relating to a person's right to their image (*Sciacca v. Italy*, no. 50774/99, § 29, ECHR 2005-I).

71. The Court further reiterates that the Convention guarantees individual rights and does not envisage the bringing of an *actio popularis* for the interpretation of the rights it contains or permits individuals to complain about public acts simply because they consider that those acts contravene the Convention (see *Tanase v. Moldova*, [GC], no.7/08, § 104, ECHR 2010-...). Complaints must therefore be brought by or on behalf of people who claim to be victims of a violation of one or more of the provisions of the Convention. The concept of victim must, in theory, be interpreted autonomously and irrespective of domestic concepts such as those concerning an interest or capacity to act. In order for an applicant to be able to claim to be a victim of a violation of the Convention, he or she must be able to show that they have been directly affected by the impugned measure (see *Sanles Sanles v. Spain,* (dec.), no. 48335/99, ECHR 2000-XI with further references).

72. As to the circumstances of the present case, the Court notes that the applicant objected to the renaming of the street, arguing that honouring Dr. Jozef Tiso had damaged Slovakia's reputation, which had inevitably affected the private life of each of its citizens. He also added that he had felt offended and humiliated by the act of the public authority.

73. The Court further notes that the applicant lodged his original claim with the Žilina District Court, requesting a declaration that the naming of the street after Dr. Jozef Tiso was illegal and that it be quashed. He also requested renaming of the street and the payment of symbolic compensation to all registered churches in Slovakia. Later on, the applicant amended his

claim and requested that the symbolic compensation be paid to him. The applicant stated before the Levice District Court that he could not be indifferent towards any citizen who might become a victim of the consequences of the promotion of fascism and that his aim was to prevent a repetition of the murder of tens of thousands of people in the future. He also expressed his shame that the municipal council had declared its support for the ideas of the fascist state and complained that he had been mocked by some of his friends as a result of the public act in issue.

74. The Court takes into account the applicant's original claim, by which he sought the quashing of the municipal council's resolution and the payment of compensation to churches in Slovakia, and his later submissions, both before the domestic courts and the Court. It observes that the applicant's arguments were mainly oriented towards the general problem of the promotion of fascism and its potential consequences for society. Thus, the applicant mainly protested against social and political tendencies which could possibly have been triggered by the public act.

75. Without undermining the seriousness of the issues raised by the applicant and having regard to what was said above (see paragraphs 66 to 68 above), the Court takes the view that the substance of the applicant's arguments was of a public interest nature and that his complaint has to be qualified as an *actio popularis*.

76. The above conclusion is reinforced by the fact that since 1983 the applicant has been living in the Czech Republic, the neighbouring country of Slovakia, and has no ties to the village of Varín. Moreover, the applicant did not claim to have visited the municipality or to have had any kind of dealings with the village or its inhabitants.

77. Taking into account the foregoing, the Court agrees with the Government that the applicant has not presented any evidence showing that the renaming of the street has had a negative effect on his private life.

78. Against this background, the Court concludes that the applicant was not directly affected by the municipal council's resolution and consequently cannot claim to be a victim of the alleged violation.

79. It concludes that the applicant's complaint is incompatible *ratione personae* with the provisions of the Convention and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

B. Length of the proceedings

80. The applicant complained that the overall length of the proceedings concerning his claim of 11 December 1998 had been excessive.

81. He relied on Article 6 § 1 of the Convention, the relevant part of which provides as follows:

> "In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing within a reasonable time by an independent and impartial tribunal ..."

82. The Court observes at the outset that, in view of its finding in respect of the complaint under Article 8 of the Convention, there may be a question as to the applicability *ratione materiae* of the guarantees of Article 6 § 1 of the Convention to the proceedings in question. However, it considers that it is not called upon to rule on this question separately because the relevant part of the application is in any event inadmissible for the reasons specified below.

83. The Court notes that the applicant lodged his original claim with the Žilina District Court on 11 December 1998. The proceedings ended by the final decision of the Constitutional Court of 30 November 2005. They thus lasted some seven years across four levels of jurisdiction, including the proceedings before the Constitutional Court.

84. The Court observes that the "reasonableness" of the length of proceedings must be assessed in accordance with the circumstances of the case and the following criteria: the complexity of the case; the behaviour of the applicant and that of the competent authorities; and what was at stake for the applicant in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

85. As to the complexity of the case, the Court considers that there is nothing to suggest that the case raised particularly complex legal or factual issues. A certain degree of complexity was, however, involved in its procedural aspect, as the claim lodged by the applicant was amended several times, part of the claim were dismissed and the remaining part was transferred to another court.

86. In connection with the behaviour of the applicant, the Court attaches weight to the fact that his original claim was not clear and complete and had to be repeatedly amended and more adequately specified. Part of the claim was dismissed for a lack of jurisdiction on the part of various courts. Thus, the applicant contributed to the course and duration of the proceedings by lodging an incomplete and poorly specified claim.

87. The Court further observes that certain delays were also attributable to the domestic authorities. Some periods of inactivity on the part of the courts occurred and certain delays in the proceedings were primarily caused after the lodging of the applicant's petition by transferral of the case to the Constitutional Court and by the dismissal of the proceedings in April 2001.

88. Regarding what was at stake for the applicant, the proceedings in issue concerned the protection of the applicant's personal integrity based on his allegation that the renaming of a street by the municipal council had violated his rights. The Court takes into account the findings of the domestic courts, which dismissed the claim in part for a lack of jurisdiction and dismissed the aspect of the claim concerning his personal integrity as manifestly ill-founded.

89. The Court concludes, in the light of the criteria established by its case-law on the question of "reasonable time" and having particular regard

to the contribution of the applicant to the course of the proceedings and to the number of levels of jurisdiction involved, that the total length of the proceedings cannot be considered unreasonable.

90. It follows that the applicant's complaint concerning the length of the proceedings under Article 6 § 1 of the Convention must be rejected as being manifestly ill-founded within the meaning of Article 35 §§ 3 and 4 of the Convention.

C. Remaining complaints

91. The applicant complained that the Slovak Republic, by failing to prevent the honouring of Dr. Jozef Tiso, had violated his rights under Article 5 § 1 of the Convention.

92. He also complained under Article 6 § 1 of the Convention that the Nitra Regional Court had lacked impartiality and that during an oral hearing before that court he had been denied sufficient opportunity to present his arguments and to make procedural motions.

93. Furthermore, he complained that he had had no effective remedy against the violation caused by the municipal council's resolution. He complained that he had been discriminated against on the basis of his anti-fascist opinions in the enjoyment of his rights, in that the Constitutional Court had refused to decide on the merits of his constitutional complaints. He relied on Article 13 of the Convention and Article 14 in conjunction with Articles 5 § 1, 6 § 1, 8 and 13 of the Convention.

94. However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

95. It follows that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Santiago Quesada
Registrar

Josep Casadevall
President