

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

FIFTH SECTION

DECISION

Application no. 7706/06
Angela REICH CRNOGORAC
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 20 March 2012 as a Committee composed of:

Ann Power-Forde, *President,*
Boštjan M. Zupančič,
Angelika Nußberger, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 1 February 2006,

Having regard to the settlement reached between the parties,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Angela Reich Crnogorac, is a Slovenian national who was born in 1940 and lives in Vugrišinec, Croatia. She had no representative before the Court. 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.

On 4 December 1995 the applicant instituted civil proceedings against an insurance company before the Maribor District Court seeking compensation in the amount of 1,660.000 Slovenian Tolars (SIT) (approx. 6,900 euros (EUR)) for injuries sustained in a car accident.

On 20 February 2001 the first-instance judgment was issued, awarding the applicant compensation in the amount of 360.000 SIT (approx. 1,500 EUR). She appealed.

On 30 March 2004 the Maribor Higher Court upheld the appeal and remitted the case for re-examination.

On 14 April 2005 the Maribor District Court delivered a judgment awarding compensation in the amount of 850.000 SIT (approx. EUR 3,500). She appealed.

On 3 October 2006 the Maribor Higher Court rejected the appeal in part and lowered the amount of compensation for damages to 550 000 SIT (approx. EUR 2,300). She lodged an appeal on points of law.

On 14 February 2008 the Supreme Court rejected the appeal on points of law.

COMPLAINTS

The applicant complained under Article 6 § 1 of the Convention about the excessive length of civil proceedings.

THE LAW

The Court notes that a settlement was reached between the parties by which the Government acknowledged a violation of Article 6 § 1 of the Convention and undertook to pay the applicant compensation with respect to non-pecuniary damages incurred as a result of the unreasonable length of proceeding. The Court however observes that the applicant still considers herself to be a victim as she claims to have also sustained pecuniary damage, for which she had not been compensated. As regards the latter, the Court notes that the losses claimed by the applicant have not been substantiated and that there is no causal link between the excessive length of the proceedings and the pecuniary damage alleged. Therefore and since the applicant has signed the aforementioned settlement agreement by which the State paid her compensation for non-pecuniary damage, which adequacy she does not call into question, the Court finds that she can no longer claim to be a victim.

It follows that this complaint is incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 and must be rejected in accordance with Article 35 § 4.

For these reasons, the Court unanimously

Declares the application inadmissible.

Stephen Phillips Deputy Registrar	Ann Power-Forde President