

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

FIFTH SECTION

DECISION

Application no. 47868/06
Igor SAJOVIC
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 3 April 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 11 September 2006,
Having regard to the comments submitted by the parties,
Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Igor Sajovic, is a Slovenian national who was born in 1925 and lives in Ljubljana. He is represented before the Court by Ms J. Mazi, a lawyer practising in Ljubljana. The Slovenian Government ("the Government") are represented by their Agent.

A. The circumstances of the case

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

On 14 March 1997 the applicant lodged a request with the Government of the Republic of Slovenia for the recognition of the status of a former political prisoner.

On 11 September 1997 the Government appointed a special Commission to deal with these cases.

On 16 November 1999 the Commission issued a decision granting the applicant the requested status, whereby he acquired the entitlement for compensation.

The payments of such compensation were linked to the coming into force of a special law on the War Damage Compensation Fund, providing that compensation will be paid by the Slovenian Compensation Company after 15 January 2002.

On 23 July 2002 the Slovenian Compensation Company issued a decision on the amount of compensation to be awarded to the applicant.

On 26 August 2002 the applicant instituted an administrative dispute to challenge the decision, since he was not satisfied with the amount awarded.

On 9 December 2002 the Ljubljana Administrative Court upheld the decision. The applicant appealed.

On 13 January 2005 the Supreme Court rejected the appeal. He lodged a constitutional complaint.

On 15 June 2006 the Constitutional Court rejected his complaint. The decision was served on the applicant on 10 July 2006.

B. Relevant domestic law

For relevant domestic law see case *Blekić v. Slovenia* (no. 14610/02, 7 July 2009).

COMPLAINTS

The applicant complained under Article 6 and 13 of the Convention about the undue length of the proceedings and the lack of an effective remedy in that regard. By relying on Articles 1, 5, 6, 7, 8, 14 and 17 of the Convention he expressed his dissatisfaction with the amount of compensation he had been awarded.

THE LAW

1. Complaints under Articles 6 and 13 of the Convention

Further to the notification of the case under Rule 54 § 2 (a) of the Rules of Court, the Government informed the Court that the State Attorney's Office had refused to apply section 25 of the Act on the Protection of the

Right to a Trial without undue Delay ("the 2006 Act") to the present case, stating that the applicant's right to a trial within a reasonable time before the domestic courts had not been infringed. As a result, no settlement proposal was submitted to the applicant. The Government also argued that the complaints regarding the alleged undue length of proceedings before the administrative authorities should be rejected for non-exhaustion of domestic remedies.

The applicant contested these arguments.

As to the proceedings before the administrative authorities the Court observes that that the applicant did not exhaust the available domestic remedies and thus this part of the complaint must be rejected under Article 35 § 4 of the Convention (see *Sirc v. Slovenia* (dec.), no. 44580/98, 16 May 2002).

As to the proceedings before the domestic courts the Court recalls that the "reasonable" 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).

The Court observes that the time to be taken in consideration in the present case started on 26 August 2002 and ended on 10 July 2006, the date when the Constitutional Court's decision was served on the applicant. The proceedings therefore lasted four years at three levels of jurisdiction.

Having regard to all the material submitted to it and having regard to the Court's case-law on the subject (see *Repar v. Slovenia*, no. 40739/05, *Felcser v. Hungary,* no. 14093/06, 25 May 2010 and *Hornak v. Slovakia,* no. 43527/04, 24 November 2009) the Court considers that in the instant case the length of the proceedings was not excessive.

The Court therefore finds that this part of the application is manifestly ill-founded and must be rejected under Article 35 § 4 of the Convention.

As to the complaint regarding the lack of effective remedies before the domestic courts the Court recalls that Article 13 requires the State to provide an effective legal remedy to deal with the substance of an "arguable complaint" under the Convention and to grant appropriate relief (see *Sürmeli v. Germany* [GC], no. 75529/01, § 98, 8 June 2006). Considering that the complaint about the excessive length of the proceedings is inadmissible as manifestly ill-founded, the Court finds that the applicant did not have an arguable claim that his right to an effective remedy within the meaning of Article 13 was violated. Therefore, this claim does not reveal any appearance of violation of this provision.

Accordingly, this complaint is manifestly ill-founded and must be declared inadmissible in the meaning of Article 35 §§ 3 and 4 of the Convention.

2. Other complaints

Having regard to all material in its possession and in so far as the matters complained of are within its competence, the Court considers that this part of the application does not disclose any appearance of a violation of the Convention. It follows that it is inadmissible under Article 35 § 3 (a) as manifestly ill-founded and must be rejected pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Stephen Phillips
Deputy Registrar

Ann-Power Forde
President