

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

FIFTH SECTION

DECISION

Application no. 38980/05
Blanka ŠTRAUS
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 7 October 2005,
Having regard to the written submissions of the parties,
Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Blanka Štraus, is a Slovenian national who was born in 1957 and lives in Mengeš. She is represented before the Court by Mr Z. Lipej, a lawyer practising in Medvode. 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 August 2001 the applicant instituted civil proceedings before the Ljubljana District Court seeking compensation for damages sustained in a car accident.

Between 10 September 2002 and 12 March 2004 the first-instance court held two hearings and appointed three experts.

On 19 May 2005 the first-instance judgment was delivered. Both parties appealed.

On 26 October 2006 the Ljubljana Higher Court delivered a judgement rejecting the appeal in part, remitting the case for re-examination in part and amending the remainder. The applicant lodged an appeal on points of law against the rejected part of the appeal.

On 7 March 2007 the Supreme Court received the case-file.

On 16 September 2010 the Supreme Court rejected the appeal on points of law and the proceedings before the first-instance court resumed.

On 3 December 2010 the Ljubljana District Court issued a decision on termination of proceedings following the withdrawal of the claim.

B. Relevant domestic law

For relevant domestic law see decision *Žurej v. Slovenia* (no. 10386/03, §§ 14-15, 26 March 2010).

COMPLAINTS

The applicant complained under Article 6 of the Convention that the length of the proceedings before the domestic courts was excessive. In substance, she also complained under Article 13 of the Convention of the lack of an effective domestic remedy in respect of the excessive length of the proceedings.

THE LAW

The Court notes that on 1 January 2007 the proceedings were pending before the Supreme Court and due to a remittal later continued at first-instance. They ended on 3 December 2010.

The Court further notes that the applicant failed to avail herself of the acceleratory remedies in order to speed up the proceedings nor did she lodge a just satisfaction claim for which she in any event failed to satisfy the conditions (see *Nezirovič v. Slovenia* (dec.), no. 16400/06, §§ 27-41, 18 November 2008 and *Žurej v. Slovenia* (dec.), no. 10386/03, 16 March 2010, §§ 17-19).

The Court therefore finds that the complaint regarding Article 6 of the Convention must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

As to the complaint under Article 13 the Court has already found that the 2006 Act does afford the applicant an effective remedy in respect of her complaint about the length of proceedings (see case-law cited above). That finding is also valid in the context of her complaint under Article 13 of the Convention.

It follows that this complaint is 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.

Stephen Phillips Deputy registrar	Ann Power-Forde President