

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

FIFTH SECTION

DECISION

Application no. 26186/05
Majda VIDOVIČ
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 5 July 2005,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Majda Vidovič, is a Slovenian national who was born in 1956 and lives in Gornja Radgona. She was represented before the Court by Mr M. Pirih, a lawyer pracitising in Maribor. The Slovenian Government ("the Government") were 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 12 August 1987 the applicant lodged a request with the Maribor Basic Court for determination of property rights of a house.

On 28 June 1994 the Convention came into force in respect of Slovenia.

On 29 May 1998 the Maribor District Court rendered a judgment. The defendant appealed.

On 9 March 1999 the Maribor Higher Court upheld the appeal and remitted the case for re-examination.

On 11 January 2000 the first-instance court issued a judgment. Both parties appealed.

On 4 July 2000 the Maribor Higher Court issued a decision and remitted the case for re-examination.

On 7 February 2002 the Maribor District Court delivered a judgment. The applicant appealed.

On 28 May 2002 the Maribor Higher Court remitted the case for re-examination.

On 8 October 2002 the first-instance court delivered a judgment. The applicant appealed.

On 25 March 2003 the Maribor Higher Court remitted the case for re-examination.

On 24 June 2003 the Maribor Higher Court rendered a judgment. The defendant appealed.

On 25 November 2003 the second-instance court upheld the first-instance judgment. An appeal on points of law was lodged.

On 16 December 2004 the Supreme Court rejected the appeal on points of law.

B. Relevant domestic law

A description of the relevant domestic law can be found in the *Kešelj and 6 Others v. Slovenia* decision (nos. 20674/05, 20680/05, 28380/05, 28441/05, 38861/05, 39198/05 and 44915/05, 19 May 2009).

COMPLAINTS

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

THE LAW

The Court notes that, after the Government had been given notice of the application under Article 54 § 2(a) of the Rules of Court, the applicant received the State Attorney's Office's settlement proposal under section 25 of the Act on the Protection of the Right to a Trial without undue Delay

("the 2006 Act") acknowledging a violation of the right to a trial within a reasonable time and offering redress for non-pecuniary damage. It further notes that the applicant has since then been in a position to either negotiate a settlement with the State Attorney's Office or, if that were to be unsuccessful, lodge a "claim for just satisfaction" in accordance with the relevant provisions of the 2006 Act. The latter has been considered by the Court to constitute appropriate means of redressing a breach of the reasonable time requirement of Article 6 that has already occurred (see *Pohlen v Slovenia* (dec.), no. 28457/03, §§ 40-43, 3 June 2008, and *Kešelj and 6 others v. Slovenia,* cited above).

The Court reiterates Article 37 of the Convention, which in the relevant part reads as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
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> ...
>
> (c) for any other reason established by the Court, it is no longer justified to continue the examination of the application.
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> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

Having regard to the foregoing, the Court considers that it is no longer justified to continue with the examination of the application and it should be struck out of the list of cases in accordance with Article 37 § 1 (c). In reaching this conclusion, the Court has taken into account its competence under Article 37 § 2 of the Convention to restore the case to its list of cases if it considers that the circumstances justify such a course.

For these reasons, the Court unanimously

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

Stephen Phillips	Ann Power-Forde
Deputy registrar	President