

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

FIFTH SECTION

DECISION

Applications nos. 17080/06, 19175/06 and 6071/07
by Jelka ŽUPERL and Others
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 22 February 2011 as a Committee composed of:

Ganna Yudkivska, *President,*
Boštjan M. Zupančič,
Angelika Nußberger, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above applications,

Having regard to the Government's settlement proposals made to the applicants,

Having deliberated, decides as follows:

THE FACTS

The applicant Ms Jelka Župerl (application no.17080/06) is a Slovenian national who was born in 1951 and lives in Celje. She was represented before the Court by Ms J. Jazbinšek-Goričan, a lawyer practising in Celje. The applicant company Mirage d.o.o. (application no. 19175/06) has its office in Petrovče. The applicant company was also represented before the Court by Ms J. Jazbinšek-Goričan. The applicant Gorazd Švaljek (application no. 6071/07) is a Slovenian national who was born in 1960 and lives in Maribor. He was represented before the Court by Mr Z. Križman, a lawyer practising in Maribor.

The Slovenian Government ("the Government") were represented by their Agent.

The applicants were parties to proceedings which were finally resolved (*pravnomočno končan postopek*) before 1 January 2007, that is, before the 2006 Act on the Protection of the Right to a Trial without Undue Delay ("the 2006 Act") became operational. The applicant Ms Jelka Župerl and the applicant company Mirage d.o.o. subsequently lodged an appeal on points of law with the Supreme Court (*Vrhovno sodišče*).

COMPLAINTS

The applicants complained under Article 6 § 1 of the Convention about the excessive length of civil proceedings and under Article 13 of the Convention about the lack of an effective domestic remedy in that regard.

THE LAW

In the present cases, the Court notes that, after the Government had been given notice of the applications, they informed the Court that they had made a settlement proposal to the applicants.

By the settlement agreements signed by the State Attorney's Office and the applicants, the former acknowledged a violation of the right to a trial within a reasonable time and accepted to pay the applicants the non-pecuniary damage sustained and costs and expenses incurred. The applicants accepted the amount as a full compensation for the damage sustained due to the length of the above proceedings and waived any further claims against the Republic of Slovenia in respect of this complaint.

The applicants subsequently informed the Court that they had reached settlements with the State Attorney's Office and that they wished to withdraw their applications introduced before the Court.

The Court takes note that following the settlements reached between the parties the matter has been resolved at the domestic level and that the applicants wish to withdraw their applications. It is satisfied that respect for human rights as defined in the Convention or its Protocols does not require the examination of the application to be continued (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the cases out of the list in accordance with Article 37 § 1 (a) of the Convention.

For these reasons, the Court unanimously

Decides to join the applications;

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

Stephen Phillips
Deputy Registrar

Ganna Yudkivska
President