



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

SECOND SECTION

CASE OF GAULIEDER v. SLOVAKIA

(Application no. 36909/97)

JUDGMENT

STRASBOURG

18 May 2000

In the case of Gaulieder v. Slovakia,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Mr M. FISCHBACH, *President*,

Mr G. BONELLO,

Mrs V. STRÁŽNICKÁ,

Mrs M. TSATSA-NIKOLOVSKA,

Mr A.B. BAKA,

Mr E. LEVITS,

Mr A. KOVLER, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 27 April 2000,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case was referred to the Court by the European Commission of Human Rights (“the Commission”) on 25 October 1999, within the three-month period laid down by former Articles 32 § 1 and 47 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). It originated in an application (no. 36909/97) against the Slovak Republic lodged under former Article 25 of the Convention by a Slovak citizen, Mr František Gaulieder (“the applicant”), on 16 June 1997.

2. The applicant was represented by Mr J. Havlát, a lawyer practising in Bratislava. The Slovak Government (“the Government”) were represented by their Agent, Mr R. Fico.

3. The applicant alleged that his office of a Member of Parliament had been terminated against his will. In its final report adopted on 10 September 1999 (former Article 31 of the Convention) the Commission concluded that there had been a violation of Article 3 of Protocol No. 1 and that it was not necessary to examine separately the complaints under Articles 4 § 1, 10, 11, 13 and 14 of the Convention.

4. In accordance with Article 5 § 4 of Protocol No. 11 taken together with Rules 100 § 1 and 24 § 6 of the Rules of Court, a panel of the Grand Chamber decided on 13 December 1999 that the case should be dealt with by a Chamber constituted within one of the Sections of the Court. Subsequently the case was assigned to the Second Section.

5. On 16 and on 22 February 2000 the applicant’s representative and the Agent of the Government respectively informed the Court that they had reached a friendly settlement of the case.

AS TO THE FACTS

6. In September 1994 the applicant was elected a member of the National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) for a four years' period. Prior to the election the applicant signed a contract with the Movement for A Democratic Slovakia which included him in its electoral list. He also signed a letter of resignation from the National Council which was not dated.

7. On 26 November 1996 the applicant informed the President of the National Council that he had withdrawn from the parliamentary group of the Movement for A Democratic Slovakia and that he did not intend to resign from his office.

8. On 28 November 1996 the Office of the National Council received a letter dated 26 November 1996 which stated that the applicant wished to resign.

9. On 4 December 1996 the National Council adopted Resolution No. 482 in which it took note of the applicant's resignation. As from this date, the applicant's office was terminated. In the debate which preceded the vote the applicant denied his intention to resign.

10. On 23 July 1997 the Constitutional Court (*Ústavný súd*) found that by adopting Resolution No. 482/1996 the National Council had violated the applicant's constitutional rights.

11. On 30 September 1997 the National Council failed to adopt a draft resolution proposing that the applicant's office be renewed.

12. In September 1998 a parliamentary election was held in Slovakia. The applicant did not stand as a candidate.

13. On 18 December 1998 the newly elected National Council expressed its regret that during the previous term it had not remedied the violation of the applicant's rights.

14. On 3 February 2000 the National Council quashed Resolution No. 482 of 4 December 1996.

AS TO THE LAW

15. On 22 February 2000 the Court was informed by the Government that an agreement for a friendly settlement of the case had been reached with the applicant on 15 February 2000. The following are the substantial terms of the agreement:

“1. The applicant will be met by the Prime Minister and the Government will issue a press release expressing their regret about the termination of his office as well as about the failure to redress the violation of the principles of the State of law in the applicant's case without delay. The Government will further express their regret as regards inappropriate statements made by their Agent in respect of the applicant. Both

parties express their gratitude to the President of the Commission, Mr S. Trechsel, for his efforts which contributed to the settlement of the case.

2. The Government will pay the applicant compensation for pecuniary damage of 1,399,148 Slovak korunas (SKK) within seven days of the settlement of the case.

3. The Government will pay the applicant compensation for non-pecuniary damage of SKK 1 within seven days of the settlement of the case.

4. The Government will pay the applicant's legal costs of SKK 141,877.40 within seven days of the settlement of the case."

16. By a letter of 16 February 2000 the applicant's representative informed the Court that the applicant agreed to the above terms of the settlement and that he wished to withdraw his application.

17. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

18. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English, and notified in writing on 18 May 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Marc FISCHBACH
President