



International Covenant on Civil and Political Rights

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Human Rights Committee

Decision adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2959/2017*, **

<i>Communication submitted by:</i>	V.J. (not represented by counsel)
<i>Alleged victim:</i>	The author
<i>State party:</i>	Slovakia
<i>Date of communication:</i>	18 November 2016 (initial submission)
<i>Document references:</i>	Decision taken pursuant to rule 92 of the Committee's rules of procedure, transmitted to the State party on 23 February 2017 (not issued in document form)
<i>Date of adoption of decision:</i>	25 March 2022
<i>Subject matter:</i>	Undue delays in judicial proceedings
<i>Procedural issues:</i>	Insufficient substantiation; abuse of submission
<i>Substantive issues:</i>	Right to equality before courts and to a fair trial within reasonable time; equal protection before the law (non-discrimination)
<i>Articles of the Covenant:</i>	2 (3), 14 (1) and 26
<i>Articles of the Optional Protocol:</i>	2 and 3

1.1 The author of the communication, dated 18 November 2016, is V.J., a national of Slovakia born on 5 January 1985. He claims that the State party violated his rights under article 14 (1), read in conjunction with article 2 (3), and article 26 of the Covenant, due to undue delays in judicial proceedings. The Optional Protocol entered into force for Slovakia on 1 January 1993. The author is not represented by counsel.¹

1.2 On 23 February 2017, the Committee registered the communication. On 24 April 2017, the State party requested a separate consideration of admissibility. On 8 November 2021, the Committee, acting through its Special Rapporteur on new communications and interim

* Adopted by the Committee at its 134th session (28 February–25 March 2022).

** The following members of the Committee participated in the examination of the communication: Tania María Abdo Rocholl, Wafaa Ashraf Moharram Bassim, Yadh Ben Achour, Arif Bulkan, Mahjoub El Haiba, Furuya Shuichi, Carlos Gómez Martínez, Marcia V.J. Kran, Duncan Laki Muhumuza, Photini Pazartzis, Hernán Quezada Cebrera, Vasilka Sancin, José Manuel Santos Pais, Soh Changrok, Kobayah Tchamdja Kpatcha, Hélène Tigroudja, Imeru Tamerat Yigezu and Gentian Zyberi.

¹ The author has a legal background.



measures, decided to examine the admissibility of the communication separately from the merits.

Facts as submitted by the author

2.1 On 6 November 2012, the author requested access to the application made by the State party to the European Court of Human Rights for a review of its final judgment in the case of *Labsi v. Slovakia*.² The author notes that the judgment in the case became final on 24 September 2012 and that, consequently, at the time that he applied for access to the State party's request for a review of the judgment, the judgment had already become final after the Court had duly considered the application made by Slovakia. The author argues that the Freedom of Information Act of Slovakia entitles him to such information, even if he was not a party to the proceedings before the European Court of Human Rights. On 23 January 2013, the Ministry of Justice decided to deny the author's request for access to the State party's application as it considered that such information concerned the decision-making of a court and was thus not public information.

2.2 The author submits that the information that he requested from the Ministry of Justice is publicly available from the European Court of Human Rights, even while the proceedings are pending, and that, consequently, his request for access to this information could not have interfered with the decision-making of the Court. He argues that, had he travelled to Strasbourg, he would have obtained the information from the Court and that, consequently, the Ministry of Justice had no justifiable reason for denying his request. In addition, the author notes that, at a press conference, the Ministry provided journalists with documents containing information similar to that requested by him.

2.3 On 14 March 2013, the author lodged an administrative action against the decision of the Ministry of Justice, requesting a review of its legality, with the Bratislava Regional Court for refusing him access to the application made by the State party to the European Court of Human Rights. On 8 October 2013, the author was invited by the Regional Court to consent to consideration of the matter without a public hearing, which he rejected on 15 October 2013. On 3 February 2015, the author filed a motion to stay the proceedings before the Regional Court in order to submit a preliminary question to the Constitutional Court regarding the constitutionality of the Freedom of Information Act. In that motion, the author reiterated his initial claim made in the proceedings against the Ministry of Justice, namely that article 11 (1) (d) of the Act was in violation of articles 13 (4) and 26 (4) of the Constitution.

2.4 On 20 January 2016, the author lodged a complaint with the Constitutional Court claiming a violation of the right to a fair trial within reasonable time, contesting excessive delays in the proceedings, as almost three years had passed since he had filed the case with the Bratislava Regional Court, without any decision on the merits having been taken.

2.5 On 10 February 2016, the Bratislava Regional Court rejected the author's motion for a stay of proceedings, dated 3 February 2015. On 22 March 2016, the Bratislava Regional Court dismissed the author's application for the submission of a preliminary question to the Constitutional Court regarding the constitutionality of the Freedom of Information Act. On 22 March 2016, the author was served with an order of the Bratislava Regional Court, dated 10 February 2016, dismissing the defendant's motion of 30 October 2013 to join the various proceedings pending before the Regional Court between the author and the Ministry of Justice.³ On 6 April 2016, the author appealed the Regional Court's decision dismissing the author's motion for a stay of proceedings; he also appealed against the order of the Regional

² European Court of Human Rights, *Labsi v. Slovakia*, application No. 33809/08, Judgment, 15 May 2012. This case concerned the applicant, a national of Algeria, who claimed that his expulsion to Algeria amounted to a breach of articles 3, 13 and 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). The applicant was deported despite the valid interim measure by the Court and further domestic judicial decisions prohibiting such action.

³ The author has initiated several proceedings against the Ministry of Justice on the basis of the Freedom of Information Act. Although the disputes concerned the same parties – the author and the Ministry of Justice – the Bratislava Regional Court rejected the motion for them to be considered jointly, given the differing subject matter and unrelated facts.

Court dismissing the motion to submit the preliminary question to the Constitutional Court regarding the constitutionality of the Freedom of Information Act and informed the Court that he had appointed a new legal counsel. The case was still pending before the Supreme Court at the time of submission of the present communication.⁴

2.6 On 1 June 2016, after a preliminary assessment in closed session, the Constitutional Court dismissed as manifestly unfounded the author's complaint of unreasonable delays in the proceedings before the Bratislava Regional Court. Before adopting the decision, the Constitutional Court requested that the Chair of the Regional Court provide written observations on the author's constitutional complaint. The author claims that the Chair admitted that there had been unreasonable delays in the proceeding in question, but still argued that the author's constitutional complaint be declared inadmissible. The author further asserts that the Constitutional Court did not transmit the observations of the Chair to him before adopting its decision. The Constitutional Court noted that the author had filed for a stay of proceedings on 3 February 2015. It therefore considered whether there had been a delay in proceedings in the period between March 2013 and February 2015, the length of which the Court found to be insufficient to declare the proceedings unduly delayed. The author disagrees with the reasoning of the Constitutional Court, noting that he had only filed for a stay of proceedings, which was rejected. Therefore, the period after the request for a stay of proceedings until the decision thereon was taken should also be included in the overall duration of the proceedings.

2.7 The author claims to have exhausted all available domestic remedies and the same matter has not been and is not being examined under another procedure of international investigation or settlement.

Complaint

3.1 The author claims that his rights under article 14 (1), read in conjunction with article 2 (3), and article 26 of the Covenant have been violated as the Constitutional Court failed to serve him with the written observations of the Chair of the Bratislava Regional Court before adopting its decision on 1 June 2016, although it was required to do so in accordance with its own practice⁵ and established case law of the European Court of Human Rights.⁶ The author notes that the concept of a fair trial implies the right to adversarial proceedings. According to this right, the parties should be made aware of any evidence needed for their claims to succeed. This right also means that they must have knowledge of, and be able to comment on, all evidence adduced or observations filed, with a view to influencing the court's decision. The concrete effect of the observations in question on the judgment of the Constitutional Court is of little importance. What is at stake is the confidence of the parties in the functioning of justice, which is based on the knowledge that they have had the opportunity to express their views on every document in the case file. This principle, however, was not respected in the aforementioned proceedings before the Constitutional Court.

3.2 The author also claims that his rights under article 14 (1), read in conjunction with article 2 (3), and article 26 of the Covenant were violated by the decision of the Constitutional Court to declare inadmissible his complaint of undue delay. The inadmissibility decision was taken despite the fact that, in similar cases, the Court had held that the right to a fair trial within reasonable time (without undue delay) had been violated, and that the Chair of the Bratislava Regional Court had admitted excessive delays in the author's case. The proceedings before the Regional Court had lasted three years and three months at the time of the decision by the Constitutional Court.⁷

⁴ On 28 March 2018, the Supreme Court rejected the author's appeal against the Bratislava Regional Court's decision denying his request for a stay of proceedings.

⁵ Constitutional Court, decision No. I. ÚS 580/2014.

⁶ European Court of Human Rights, *BENet Praha, spol. s r.o. v. the Czech Republic*, application Nos. 33908/04, 7937/05, 25249/05, 29402/05 and 33571/06, Judgment, 24 February 2011, paras. 137–146, as well as *Čičmanec v. Slovakia*, application No. 65302/11, Judgment, 28 June 2016, paras. 61–65.

⁷ In its decision (No. III. ÚS 351/2006) on a separate matter, the Constitutional Court held that proceedings having lasted two years and nine months (at the time of the decision) violated the right of the complainant to a fair trial within reasonable time. In its decision in the case of the author, the

3.3 The author further claims that his rights under article 14 (1), read in conjunction with article 2 (3), of the Covenant were violated since the judicial proceedings before the Bratislava Regional Court had lasted, at the time of submission of the initial communication, three years and seven months without a decision on the merits having been taken. In addition, the author has not been provided with the observations of the defendant or invited to pay the court fee, and no hearing in the case has been scheduled. The author considers the duration of the proceedings to be unreasonable, since the matter is still pending before the Supreme Court, which is reviewing his appeal against the order of the Bratislava Regional Court dismissing the motion to submit the preliminary question to the Constitutional Court regarding the constitutionality of the Freedom of Information Act.

State party's observations on admissibility

4.1 On 24 April 2017, the State party submitted its observations on the admissibility of the complaint and requested the Committee to consider the admissibility separately from the merits of the complaint, in accordance with rule 97 (3) of the Committee's rules of procedure.

4.2 The State party argues that there is no reason to deviate from the legal opinion of the Constitutional Court, dated 1 June 2016, whereby the Court dismissed the author's constitutional complaint of undue delay in the proceedings before the Bratislava Regional Court as manifestly unfounded.⁸ The State party recalls the case law of the Constitutional Court, according to which a delay in judicial proceedings per se may not necessarily result in a violation of the fundamental right to a hearing without undue delay, which is guaranteed by article 48 (2) of the Constitution (decisions Nos. I. ÚS 46/01 and II. ÚS 57/01 of the Constitutional Court). In the case of the author, the Constitutional Court found that the general court procedure had not involved substantial delays, hence any delays could not be classified as "undue". Therefore, the Constitutional Court could not find a violation of the right to a fair trial within reasonable time and dismissed the complaint as unfounded. The Court found that the author had submitted his constitutional complaint on 20 January 2016, at a time when he had expressed interest in having the proceedings before the Regional Court suspended (on 3 February 2015, the author submitted a motion for a stay of proceedings).

4.3 The State party notes that the author himself contributed to the length of the proceedings before the Bratislava Regional Court when he requested the stay of proceedings, and that this interruption is a statutory obstacle, during which there cannot be a delay in the proceedings. The motion for a stay of proceedings was submitted to the Regional Court on 3 February 2015 and was dismissed by the Court by its order of 10 February 2016. The author appealed against the order on 6 April 2016. The State party reiterates the Constitutional Court's reasoning that the lapse of time between bringing an action and the moment when the author requested a stay of proceedings (less than two years) is not sufficient for it to qualify as a violation of the fundamental right to a fair trial without undue delay. It is not possible to compare cases solely on the basis of the length of proceedings as done by the author in his complaint, without taking into account the specific facts and particularities of each case.

Constitutional Court pointed out that the proceedings had lasted more than three years without any action having been taken. The author was not given access to the defendant's observations on his action even three and half years after commencement of the proceedings. In its decision No. I. ÚS 280/2015, the Constitutional Court held that civil proceedings that had lasted two years violated the right of the complainant to a fair trial within reasonable time. In its decision No. II. ÚS 541/2015, the Constitutional Court held that civil proceedings that had lasted three and half years violated in itself the right to a fair trial within reasonable time. Despite its case law, the Constitutional Court declared the author's complaint manifestly unfounded without providing any plausible reasoning.

⁸ Pursuant to article 25 (2) of the Act on the Constitutional Court, the Court initially reviews each complaint in a pretrial closed session to ascertain whether the formal criteria have been met; it can dismiss the complaint for not meeting the formal requirements, including a manifest lack of substantiation. The absence of a violation of any fundamental right or freedom can serve as a ground for dismissal of a complaint during the pretrial review (decisions Nos. II. ÚS 70/00, I. ÚS 117/05, I. ÚS 225/05 and II. ÚS 272/06 of the Constitutional Court).

4.4 Based on the above, the State party requests the Committee to declare the complaint inadmissible.

Author's comments on the State party's observations on admissibility

5.1 On 2 August 2017, the author submitted his comments on the State party's observations. He claims that the State party did not argue inadmissibility of the communication on the grounds set forth in the Optional Protocol. He asserts that in its submission, the State party focuses on the merits and not on the admissibility of his communication. He thus claims that his communication is admissible in its entirety.

5.2 In addition, the author notes that, in its submission, the State party refers only to one of the alleged violations of the Covenant, not referring to his claim relating to the failure of the Constitutional Court to provide him with the written observations of the Chair of the Bratislava Regional Court on his complaint before it. The author claims that his communication is admissible in that regard.

5.3 The author also refutes the State party's observations regarding the decision by the Constitutional Court. He restates that the Chair of the Bratislava Regional Court explicitly admitted the existence of "excessive/undue delays" in the proceedings and notes that this has not been disputed by the State party.⁹ Thus, the author considers that the Constitutional Court's characterization of his case as manifestly unfounded amounts to arbitrariness and a denial of justice.

5.4 As regards the issue that his procedural motions contributed to the length of the proceedings, the author submits that the mere filing of a motion to stay the proceedings does not amount to an actual stay of proceedings. The author invokes the case law of the Constitutional Court to demonstrate that exercising procedural rights cannot be used against parties and cannot be qualified as delays by the parties. In the jurisprudence invoked, more procedural rights were referred to – such as a change of claims or legal counsels – without considering that their use amounted to a delay in the proceedings. In the present case, only one procedural motion was used – the request for a stay of proceedings. Referring to jurisprudence showing that delays after the filing of a motion to suspend the proceedings should also be counted, the author submits that the Bratislava Regional Court rendered its decision on the motion for a stay of proceedings with undue delay.

5.5 The author also invokes case law of the European Court of Human Rights, based on which the Constitutional Court should have examined the overall length of proceedings at the time of its decision and not disregarded the passage of time after the author's motion for a stay of proceedings. The author requests that the Committee take into consideration all the time elapsed, even after the motion for a stay of proceedings and the filing of his communication with the Committee. The European Court of Human Rights has determined that proceedings that last four and a half years to produce a decision on the merits for one level of jurisdiction amount to excessive delay. The author therefore maintains that his complaint is not manifestly ill-founded.

5.6 The author requests that the Committee declare that the State party has violated its obligations under article 14 (1), read in conjunction with article 2 (3), and article 26 of the Covenant. He also requests that the Committee recommend that the State party adopt all necessary measures to provide the author with appropriate remedies, in accordance with article 2 (3) (a) of the Covenant, including: (a) reopening the proceedings before the Constitutional Court (file No. ÚS 351/2016), pursuant to article 133 of the Constitution; (b) awarding monetary compensation for non-pecuniary damage, due to a violation of the author's rights as claimed in the complaint; and (c) ensuring non-repetition of the violations found.

⁹ In his written observations, however, the Chair of the Bratislava Regional Court stated that the author had not demanded a timely consideration of his case or contested the alleged delays in the proceedings, based on the provisions of Act No. 757/2004 on organization of courts (art. 62 (1)), and had contributed to the protraction of the proceedings.

Additional comments from the author

6.1 On 10 July 2018, the author submitted the notification of the Public Defender of Rights (Ombudsperson) of Slovakia, dated 16 April 2018,¹⁰ in which the Ombudsperson had declared that the author's fundamental right to a trial without undue delay, as guaranteed by article 48 (2) of the Constitution,¹¹ and the right to a fair trial within reasonable time, as guaranteed by article 6 (1) of the European Convention on Human Rights, had been violated. The Ombudsperson noted that, when assessing whether the proceedings had suffered from unreasonable delays, the following three criteria should be considered: the legal and factual complexity of the matter to be decided by a court; the actions of the parties to the proceedings; and the procedural steps taken by the court.

6.2 The author recalls his principal claim that excessive delays occurred in the proceedings. According to the Ombudsperson, excessive delays occurred in the proceedings before the Bratislava Regional Court (file No. 5S 63/2013) and the Supreme Court (file No. 2Szi 3/2016), in the context of his appeal against the decision of the Regional Court of 10 February 2016. In the view of the author, the proceedings have been unreasonably long.

6.3 In the notification, the Ombudsperson, however, points out the following facts: the author filed an action contesting the legality of the decision by the Ministry of Justice (No. 397/2012-34-I) on 14 March 2013 with the Bratislava Regional Court. On 21 August 2013, the Regional Court invited the author's counsel to indicate whether her client agreed with the matter being considered without a hearing. On the same day, the defendant was requested to submit comments on the author's action. On 15 October 2013, the author informed the Regional Court that he did not agree with the matter being considered without a hearing. On 30 October 2013, the defendant submitted his comments, requesting a joint consideration of the separate cases registered by the Regional Court (file Nos. 5S/63/2013, 6S/169/2013, 2S/169/2013, 2S/165/2013, 6S/173/2013, 5S/181/2013 and 6S/166/2013). On 3 February 2015, the author submitted a request for a stay of proceedings. On 10 February 2016, the Regional Court decided (decision No. 5S/63/2013-33) to reject the defendant's motion for a joint consideration of the above cases. On 10 February 2016, the Regional Court decided (No. 5S/63/2013-34) to deny the author's motion to suspend the proceedings. On 6 April 2016, the author submitted an appeal against the Regional Court's decision not to grant his request to suspend the proceedings. On 29 April 2016, the author's appeal was transmitted to the defendant. On 30 June 2016, the case file was handed over to the Supreme Court for a decision on the appeal.

6.4 As regards the first criterion, the Ombudsperson concluded that it had not been demonstrated during the proceedings that the matter would be factually or legally complex.

6.5 As regards the second criterion, the Ombudsperson indicated that the action by the parties to the case had contributed to the length of the proceedings, in particular the author's motion for a stay of proceedings and his appeal against the negative decision thereon. If the proceedings had been suspended, any delay incurred could not be qualified as undue delay. During the proceedings, the author also replaced his counsel twice; nonetheless, there is no indication that this in any way contributed to the proceedings being extended in the author's case. As a general rule, the duration of proceedings, which is a result of the actions or inaction of the parties, cannot be considered as a reason to find that the trial was delayed unreasonably. The above is applicable to the situation in which the Regional Court acted and decided on the procedural motions by the parties without undue delay.¹² The Ombudsperson noted the author's claim that the Regional Court had not passed judgment on his case during the four and a half years since he had filed an action. The Ombudsperson challenged such an argument since the duration of the proceedings had been extended due to the author's motion for a stay of proceedings and the consideration of that motion should not as such, together with the duration of the appeals proceedings against the Regional Court's rejection of the author's motion for a stay of proceedings, count towards the overall duration of the proceedings.

¹⁰ The Ombudsman's notification was adopted in response to the author's motion of 5 October 2017.

¹¹ Article 48 (2) of the Constitution states that: all persons have the right to have their cases tried publicly without undue delay, to be present at the proceedings and to comment on any evidence given therein. The public may be excluded only in cases laid down by a law.

¹² Constitutional Court, decision No. ÚS 41/00.

While the Regional Court did not have the means to influence the duration of the proceedings on appeal, the Ombudsperson agreed that every court should conduct its proceedings orderly and act on any motion without undue delay.

6.6 As regards the third criterion, the Ombudsperson considered that the Bratislava Regional Court had been repeatedly inactive, thereby causing unnecessary delays in the proceedings. The first period of inactivity lasted from 14 March 2013 until 21 August 2013. The Court only acted more than five months after the initial proceedings, by transmitting the action to the defendant and asking the author whether he would agree to the matter being considered without a hearing. The initial steps should have been guided by the principles of procedural economy and an effective decision-making process. Although, on 30 October 2013, a request for joint consideration of the cases was made and, on 3 February 2015, the author requested a stay of proceedings, the Bratislava Regional Court did not act thereon. It should be noted that similar procedural motions need to be decided before the merits of the case can be considered. Therefore, the Regional Court was obliged to decide on the motion for a stay of proceedings in a timely manner. Both motions were considered by the Regional Court on 10 February 2016, after 28 months since the first motion and 12 months since the second motion. According to the decision of the Constitutional Court (No. I. ÚS 11/98), a court's essential obligation is to organize the procedural steps during a trial in a way to remedy the legal uncertainty that was the source of the plaintiff's request for the court's decision, reflecting the guarantees of a trial without undue delay set out in the Constitution and the Code of Civil Procedure.

6.7 On 30 June 2016, the case file was transmitted to the Supreme Court, which, however, had not adopted a decision on the author's appeal on procedural grounds by the time of the Ombudsman's notification (the duration of proceedings before the Supreme Court generally ranges between several months and a year). Although a general objective limit for the duration of proceedings cannot be quantified, the duration of the appeals proceedings in the present case (one year and nine months) cannot be considered as adequate and reasonable, in particular as it concerns an appeal against the procedural decision to reject the motion for a stay of proceedings. The Supreme Court thus interfered unreasonably with the author's right to a trial without undue delay, a case in which no decision on the merits has been adopted. The Ombudsperson also indicated in the notification that the chairs of both courts had been requested to adopt the necessary measures to prevent unreasonable delays in proceedings in the future.

6.8 The author's submission of 10 July 2018 also included a response by the Chair of the Supreme Court, dated 10 May 2018, which asserted that the time between 30 June 2016 and 28 March 2018, when the Supreme Court rejected the author's appeal, was unreasonably long given the nature of the appeal. Nevertheless, the Chair did not find any reason to invoke the accountability of the judge concerned, who had performed diligently and had followed the order of the cases as received. It was emphasized that the author, who has a legal background, was legally represented. The Chair stated that, with a minimum of professional diligence, it should have been evident to the author that his appeal against the dismissal of his request for a stay of proceedings was inadmissible. As the author decided to appeal notwithstanding this fact, it cannot be disregarded that the author had his share in extending the overall duration of the trial in his case.

6.9 In addition, in the attached response of the Chair of the Bratislava Regional Court, dated 26 April 2018,¹³ the Chair noted the findings of the Ombudsperson and indicated that, in order to prevent any eventual delays, the author's case would be personally supervised by the Chair until its final resolution. The Chair also pledged to regularly inform the Ombudsperson about any developments concerning the case.

6.10 The author concludes that the Chairs of the Bratislava Regional Court and the Supreme Court considered the Ombudsperson's notification justified and admitted that the proceedings had lasted unreasonably long. The author asserts that there has not been any ruling on the merits despite the proceedings having lasted five years and six months. Given the above, the author is of the view that his communication is well founded as regards

¹³ Concerning case file No. 5S/63/2013.

excessive delays and unreasonably long proceedings, and that there has been a violation of his rights under the Covenant as submitted in his communication.

Issues and proceedings before the Committee

Consideration of admissibility

7.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 97 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

7.2 The Committee has ascertained, as required under article 5 (2) (a) of the Optional Protocol, that the same matter is not being examined under another procedure of international investigation or settlement.

7.3 The Committee notes the author's claim that he has exhausted all available and effective domestic remedies. In the absence of any objection by the State party in this regard, the Committee considers that it is not precluded from examining the author's claims by the requirements of article 5 (2) (b) of the Optional Protocol.

7.4 The Committee notes that the State party has contested the admissibility of the present communication for lack of substantiation. Concerning the author's claim that the Constitutional Court violated his right to a fair trial under article 14 (1), in conjunction with article 2 (3), of the Covenant and his right to equality before the law and to equal protection of the law, under article 26 of the Covenant, by failing to provide him with the observations of the Chair of the Bratislava Regional Court, prior to reaching its decision on the author's complaint of undue delays in the proceedings before the Regional Court, thereby violating his right to an adversarial proceeding (art. 14), the Committee takes note that the Constitutional Court decided on the author's complaint in a pretrial closed session, giving due consideration to the author's complaint and the observations thereon by the Chair of the Regional Court. The Committee observes that, in written observations, the Chair of the Regional Court stated that the author had not demanded a timely consideration of his case, nor had he contested the alleged delays in the proceedings, on the basis of the provisions of Act No. 757/2004 on organization of courts (art. 62 (1)). The Chair also found that the author had contributed to prolonging the proceedings in his case by filing numerous procedural motions. In those circumstances, the Committee considers that the author has failed to explain how the proceedings before the Constitutional Court amounted to arbitrariness and a denial of justice, not sufficiently substantiating his claim of a violation of the right to a fair trial and the right not to be discriminated against by the Constitutional Court by not respecting his right to adversarial proceedings. Accordingly, the Committee finds this part of the author's complaint inadmissible due to a lack of sufficient substantiation, pursuant to article 2 of the Optional Protocol.

7.5 As regards the author's claim under article 14 (1), read in conjunction with article 2 (3), of the Covenant, the Committee notes the author's assertion that the proceedings before the Bratislava Regional Court, instituted by an administrative action, dated 14 March 2013, against the decision of the Ministry of Justice refusing the author access to information, suffered from undue delays; and that no decision on the merits has been adopted in more than five and a half years. The Committee notes the author's additional argument that the appeals proceedings before the Supreme Court, against the Regional Court's rejection of the author's motion for a stay of proceedings, also suffered from undue delays, as the appeal of 6 April 2016 (transmitted to the Supreme Court on 30 June 2016) was dismissed as inadmissible by the Court on 28 March 2018. In this context, the Committee notes the State party's argument that the Constitutional Court considered the author's complaint inadmissible as it was manifestly unfounded, since the procedure before the Regional Court (between 14 March 2013 and 3 February 2015), which had lasted less than two years, had not suffered from substantial delays, and that any existing delays could not be classified as "undue". The Committee further observes that the Ombudsperson, in the notification dated 16 April 2018, concluded that both the Regional Court and the Supreme Court had interfered unreasonably with the author's right to a trial without undue delay, in a case in which no decision on the merits had been adopted; notwithstanding the fact that the author had contributed to extending the overall duration of the trial in his case by repeated procedural motions. The

Committee, however, considers that the author's repeated procedural motions unnecessarily extended the duration of the proceedings before the Bratislava Regional Court and the Supreme Court as some of the motions stood little chance of success, that the initial procedure before the Regional Court, which lasted less than two years (between 14 March 2013 and 3 February 2015), did not suffer from substantial delays and that any existing delays in action on procedural motions could not be deemed as "undue". The Committee finds that the author's claims under article 14 (1), read in conjunction with article 2 (3), of the Covenant, as regards the proceedings before the Bratislava Regional Court and the Supreme Court, have not been sufficiently substantiated for the purposes of admissibility and amount to an abuse of submission. Accordingly, the Committee finds this part of the author's complaint inadmissible due to a lack of sufficient substantiation and an abuse of submission, pursuant to articles 2 and 3 of the Optional Protocol.

8. The Committee therefore decides:

(a) That the communication is inadmissible due to a lack of sufficient substantiation and an abuse of submission, pursuant to articles 2 and 3 of the Optional Protocol;

(b) That the present decision shall be transmitted to the State party and to the author.
