

Application No. 10303/83

Rui VERSOS

against

PORTUGAL

Report of the Commission

(adopted 11 October 1984)

CONTENTS

	<u>Page</u>
INTRODUCTION	3
Part I: Statement of facts	4
Part II: Solution reached	5

INTRODUCTION

This report relates to Application No. 10303/83 lodged by Mr Rui Versos against Portugal on 4 March 1983 under Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The applicant is represented by Mr. Francisco Teixeira da Mota, a barrister practising in Lisbon, who was later replaced by Mr Simao José Santiago, who is also a barrister practising in Lisbon. The Portuguese Government is represented by its Agent, Mr. José Narciso da Cunha Rodrigues.

On 14 March 1984 the European Commission of Human Rights declared the application admissible and proceeded to carry out the function conferred on it by Article 28 of the Convention, which reads as follows:

"In the event of the Commission accepting a petition referred to it:

- a. it shall, with a view to ascertaining the facts, undertake together with the representatives of the parties an examination of the petition and, if need be, an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities, after an exchange of views with the Commission;
- b. it shall place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for human rights as defined in this Convention."

On 11 October 1984, the Commission found the parties had reached a friendly settlement of the case and adopted the present report which, in accordance with Article 30 of the Convention, is confined to a brief statement of the facts and of the solution reached.

The following members of the Commission were present when the report was adopted:

MM. C.A. NØRGAARD, President
G. SPERDUTI
J.A. FROWEIN
E. BUSUTTIL
G. JORUNDSSON
G. TENEKIDES
S. TRECHSEL
B. KIERNAN
A.S. GOZUBUYUK
A. WEITZEL
J.-C. SOYER
H.G. SCHERMERS
H. DANELIUS
G. BATLINER
A.E. ANTON
J. CAMPINOS
H. VANDENBERGHE
Mrs. G.H. THUNE

10303/83

PART I

STATEMENT OF FACTS

The applicant is a Portugues national born at Fundao and resident in Azambuja and a manufacturer by profession.

In February 1969 the applicant brought a case in the Lisbon Labour Court against his former employer for a sum of 323,349 escudos for non-payment of his share in the profits of the firm for the year 1967.

On 9 April 1984 the Lisbon Labour Court allowed the applicant's claim but decided that the amount to be paid by the defendant would be fixed at a later date.

The defendant appealed against this decision to the Lisbon Court of Appeal ("Tribunal de Relaçao") which has not yet given judgment.

In his application to the Commission the applicant complained of the length of the proceedings before the Labour Court which he considered excessive and contrary to Article 6 (1) of the Convention.

o

o o

On 5 July 1983, the Commission decided to request the Government of Portugal to submit written observations on the admissibility and merits of the application in accordance with Rule 42 (2) (b) of its Rules of Procedure.

On 14 March 1984, after receiving the observations of the respondent Government (dated 1 December 1983) and those of the applicant (dated 17 January 1984) the Commission declared the application admissible.

A friendly settlement was subsequently reached the terms of which are set out in Part II of this report.

PART II

SOLUTION REACHED

After declaring the application admissible, the Commission, in accordance with Article 28 (b) of the Convention, placed itself at the disposal of the parties with a view to reaching a friendly settlement of the case on the basis of respect for human rights as defined in the Convention.

In accordance with the usual practice, the Secretary, acting on the instructions of the Commission, made contact with the parties to explore the possibility of reaching a friendly settlement. Subsequently the Deputy Secretary of the Commission, accompanied by a member of the Secretariat, had a conversation with the applicant and his counsel, Mr. Simao José Santiago, (standing in for Mr. Francisco Teixeira da Mota who was prevented) in Lisbon on 18 September 1984. Afterwards on the same day and also at Lisbon he had a conversation with the Agent of the Portuguese Government, Mr. José Narcisco da Cunha Rodrigues, Attorney-General of the Republic of Portugal. This conversation was continued with Mr. Santiago in attendance.

After these conversations the Agent of the respondent Government handed the Deputy Secretary of the Commission the following statement:

"Following conversations held in Lisbon on 18 September 1984 I state that with a view to the friendly settlement of Application No. 10303/83 lodged by Mr. Rui Versos, the Government of Portugal offers to pay the sum of 160,000 (one hundred and sixty thousand) escudos to Mr. Versos within 30 days of notification of the Commission's report under Article 30 of the European Convention on Human Rights. This payment is intended to constitute a final settlement of this application. This offer does not imply on the part of the Government of Portugal any recognition of a violation of the European Convention on Human Rights in the instant case."

On behalf of the applicant Mr. Santiago handed the Deputy Secretary of the Commission the following statement:

"I have taken note of the offer by the Government of Portugal to pay me the sum of 160,000 (one hundred and sixty thousand) escudos in final settlement of Application No. 10303/83 lodged by me with the European Commission of Human Rights. I accept this offer and waive all other claims against the Government relating to the facts of the said application as regards the length of the civil proceedings up to the adoption of the Commission's report under Article 30 of the Convention and I declare that this application is accordingly settled."

10303/83

The present statement is made as part of a friendly settlement within the meaning of Article 28 (b) of the European Convention on Human Rights which has been reached under the auspices of the Commission."

On 11 October 1984 the Commission found that it appeared from the above statements that an agreement had been reached between the parties. It further found that, having regard to Article 28 (b) of the Convention, a friendly settlement had been reached on the basis of respect for human rights as defined in the Convention, and consequently adopted the present report in accordance with Article 30 of the Convention.

Deputy Secretary
to the Commission

(J.RAYMOND)

President
of the Commission

(C.A.NØRGAARD)