



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

FIFTH SECTION

DECISION

Application no. 9188/25
Marek HOUŽVIČKA
against the Czech Republic

The European Court of Human Rights (Fifth Section), sitting on 10 September 2026 as a Committee composed of:

María Elósegui, *President*,

Kateřina Šimáčková,

Gilberto Felici, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 9188/25) against the Czech Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 15 March 2025 by a Czech national, Mr Marek Houžvička (“the applicant”), who was born in 1975 and lives in Mělník;

the decision to give notice of the application to the Czech Government (“the Government”), represented by their Agent, Mr P. Konůpka, of the Ministry of Justice;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the rejection of a constitutional appeal lodged by the applicant one day after the expiry of the relevant time-limit, which fell on a public holiday. The applicant complained that he had been deprived of access to the Constitutional Court, in violation of Article 6 § 1 of the Convention.

A. The facts of the case

2. On 23 October 2023 the Mělník District Court imposed a procedural fine of 30,000 Czech korunas (CZK – equivalent to approximately

1,225 euros (EUR)) on the applicant for insulting and making threatening remarks towards the judges of that court, whom he had described as, *inter alia*, “fucking crooks” (“*zkurvení svévolníci*”) and to whom he had addressed the question: “When are you finally going to fuck off?” (“*kdy už půjdete do prdele*”). The applicant appealed against that decision.

The fine was imposed in the context of repeated incidents concerning improper conduct on the part of the applicant in the proceedings before the Mělník District Court. It was the fifth disciplinary measure imposed on the applicant for directing insulting expressions towards the judges of that court.

The Mělník District Court also considered that the applicant had unduly burdened the court by making numerous, ill-founded submissions. It had already registered 12 motions to institute proceedings; 35 applications for interim measures; 36 requests for enforcement proceedings; two filings of pleas of nullity; 12 motions concerning parental responsibility, contact arrangements and maintenance; and 12 complaints alleging delays or improper conduct by officials, all instituted by the applicant.

3. On 26 June 2024 the Prague-East District Court found the applicant guilty of the offence of making threats intended to influence a public official, on account of his having made a submission to that district court calling for the killing of its judge. In another submission, the applicant alluded to killing a specific judicial officers’ children. The Prague-East District Court’s judgment was quashed by the Supreme Court in a decision of 30 April 2025.

4. On 29 July 2024 the Prague Regional Court reduced the procedural fine imposed on the applicant to CZK 10,000 (approximately EUR 410; see paragraph 2 above). That decision was served on the applicant on 27 August 2024.

5. On 29 October 2024 the applicant lodged, without legal representation, an unsubstantiated constitutional appeal against the Prague Regional Court’s decision.

6. On 15 November 2024 the Constitutional Court rejected the applicant’s appeal as out of time, holding that the final day for lodging it had been 28 October 2024.

7. On the same day, the applicant sent an email to the President of the Constitutional Court, arguing that the time-limit had been observed. He pointed out that 28 October was a public holiday in the Czech Republic and that, in accordance with the relevant law, where a time-limit expired on a public holiday, the final day of the time-limit was the next working day.

8. On 21 November 2024 the President of the Constitutional Court replied, acknowledging that the court had erred in calculating the time-limit. He nevertheless observed that the Constitutional Court had no legal means of remedying that error.

B. Domestic proceedings and actions following the lodging of the application

9. The Mělník District Court imposed the fine on the applicant for his allegedly improper behaviour and in the context of his extensive and repetitive litigation (see paragraph 2 above). Furthermore, it found that over a ten-year period, the applicant had lodged approximately 90 appeals with the Prague Regional Court and 47 constitutional appeals (all declared inadmissible) and submitted around 60 requests to the Czech Bar Association for the appointment of counsel.

10. In addition, the applicant engaged in persistent unsolicited correspondence with members of the judiciary. In 2025 alone, he sent numerous emails to Constitutional Court judges, including about 20 messages to its President in less than one month. In a statement given by the Constitutional Court, those communications were characterised by abusive language, including insults, defamatory statements, and offensive content directed at judges and other public figures. For example, in an email sent to dozens of recipients, among them judges and their assistants, the applicant stated the following about a former Constitutional Court judge:

“He only listens to that manipulative cunt ..., his assistant ... [He] is not a strong and mature man; he is still a puppet-child.”

11. On 30 May 2025, in line with their established practice, the Deputy to the Government Agent contacted the applicant by email to enquire about his position regarding the possibility of a friendly settlement in the case.

12. On the same day, the applicant forwarded his reply, which included the original email of the Deputy to the Government Agent, to all 15 Constitutional Court judges.

13. On 3 June 2025 the Deputy to the Government Agent replied, requesting the applicant not to share their communications concerning the negotiations of a possible friendly settlement before the Court with any third parties. He also advised the applicant that not respecting the confidentiality of those negotiations might lead the Court to declare the application inadmissible for abuse of the right of application.

14. On 4 June 2025 the applicant replied, asserting that the Constitutional Court judges who had been copied in his email of 30 May 2025 were not third parties, but rather his personal, confidential consultants.

15. On 5 June 2025 the Deputy to the Government Agent and the applicant exchanged further emails concerning the terms of a potential friendly settlement.

16. The applicant then forwarded the email conversation of 4 June and 5 June 2025 with the Deputy to the Government Agent concerning the terms of the friendly settlement to all the Constitutional Court judges.

THE COURT'S ASSESSMENT

17. The Court reiterates that, under Article 39 § 2 of the Convention, friendly-settlement negotiations are confidential. This rule is absolute and does not allow for an individual assessment of how much detail was disclosed (see *Glavaš v. Croatia* (dec.), no. 33137/14, 13 September 2016). The prohibition is directed at the disclosure of the information in question to the public, whether through the media, in correspondence liable to be read by a large number of persons, or by any other means (see *Miroļubovs and Others v. Latvia*, no. 798/05, § 68, 15 September 2009, and *Deceuninck v. France* (dec.), no. 47447/08, 13 December 2011). The rule nevertheless cannot be construed as imposing a total and unconditional prohibition on sharing any information concerning friendly-settlement negotiations with a third party. Such a broad and strict interpretation would risk undermining the protection of the applicant's legitimate interests, for example, where the applicant seeks, on a limited basis, advice from a qualified adviser in proceedings in which he or she is entitled to conduct his or her own case before the Court (*Miroļubovs and Others*, cited above, § 68).

18. Noting the importance of the principle of confidentiality in friendly-settlement negotiations, the Court reiterates that it cannot be ruled out that its breach by an applicant may, in certain circumstances, justify the conclusion that an application is inadmissible on the grounds of abuse of the right of application (see, for example, *Glavaš*, cited above; *Popov v. Moldova* (no. 1), no. 74153/01, § 48, 18 January 2005; *Miroļubovs and Others*, cited above, § 68; *Hadrabová v. the Czech Republic* (dec.), no. 42165/02, 25 September 2007; and *Deceuninck*, cited above).

19. The Court has found, furthermore, that the misuse of domestic remedies and an applicant's conduct before the national authorities are relevant factors in assessing whether an application should be considered an abuse of the right of application (see *Bock v. Germany* (dec.), no. 22051/07, 19 January 2010; *Dudek (VIII) v. Germany* (dec.), no. 12977/09 and 4 others, 23 November 2010; and *Ferrara and Others v. Italy* (dec.) nos. 2394/22 and 18 others, § 43, 16 May 2023).

20. Turning to the circumstances of the present case, the Court, firstly, observes that it has not been disputed between the parties that the applicant shared email communications with the Deputy to the Government Agent concerning negotiations related to a potential friendly settlement before the Court with all 15 Constitutional Court judges, most of whom had no connection with his case in the domestic courts. The applicant argued that he had forwarded that communication to the Constitutional Court judges because they had been his confidential advisors. Nevertheless, the applicant did not elaborate that claim and there is nothing in the case file to indicate that any of the judges would in fact have acted as his advisors. Furthermore, the applicant's email communication to those judges was not framed in a

manner suggesting that he was seeking legal advice on his legal situation. Rather, the Court understands that the communication was intended to express to the Constitutional Court judges the applicant's discontent with the conduct of that court and to indicate that the Government might be prepared to acknowledge the Constitutional Court's alleged wrongdoing. Correspondingly, the Court finds that the sharing of the applicant's communications with the Deputy Government Agent with all the Constitutional Court judges cannot be justified by his need to seek legal advice in the context of the friendly-settlement negotiations or for other legitimate interests in the pursuit of his application (contrast *Miroļubovs and Others*, cited above, §§ 68-69).

21. Furthermore, the applicant argued that he had not broken the confidentiality rule because all the judges of the Constitutional Court were bound by the duty of confidentiality and the forwarded emails had not contained any sensitive details concerning the negotiations. However, the Court reiterates that the rule of confidentiality is absolute and does not allow for an individual assessment of how much detail was disclosed (see paragraph 17 above). The majority of the 15 recipients of that forwarded communication were not even involved in the Constitutional Court's decision-making in the applicant's case, and, in the Court's view, they cannot be seen as anything but third parties in this context. The Court considers that such conduct amounts effectively to sharing that information with the public. Correspondingly, the Court finds that the applicant acted in breach of Article 39 § 2 of the Convention.

22. The Court further agrees with the Government that the breach must be viewed in the context of the applicant's behaviour before the domestic courts. It notes, firstly, that the very subject of the present complaint was the fine of approximately EUR 1,225 imposed on the applicant for insulting and threatening the Mělník District Court judges. That court repeatedly imposed disciplinary measures in respect of the applicant on account of the insulting expressions he had directed at them (see paragraphs 2-3 above). Nevertheless, the applicant continued his improper conduct, also in relation to other courts (see paragraph 9 above). The Court considers that the combination of the sheer volume of submissions made in various domestic courts, the burdensome unsolicited communication and the insulting language directed at the judges of those courts amount to a misuse of domestic remedies.

23. Under these very specific circumstances the Court considers that the application must be regarded as an abuse of the right to petition and rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

HOUŽVIČKA v. THE CZECH REPUBLIC DECISION

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 1 October 2026.

Martina Keller
Deputy Registrar

María Elósegui
President