



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

FIFTH SECTION

DECISION

Application no. 23803/23
SUVERÉNNÍ ŘÁD MALTÉZSKÝCH RYTÍŘŮ - ČESKÉ
VELKOPŘEVORSTVÍ
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 above application lodged on 5 June 2023,

Having regard to the unilateral declaration submitted by the Czech Government on 17 February 2026 requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Suverénní řád Maltézských rytířů – České velkopřevorství, is an ecclesiastical legal person forming an organisational unit of the Roman Catholic Church. It was represented by Mr O. Rathouský, a lawyer practising in Prague.

2. The complaint under Article 6 § 1 of the Convention concerning fairness of the proceedings before the domestic courts, in particular the respect of the principle of legal certainty in the proceedings before the Constitutional Court, was communicated to the Czech Government (“the Government”).

THE LAW

A. The Government's request to strike out part of the application under Article 37 of the Convention

3. After the failure of attempts to reach a friendly settlement, by a letter of 17 February 2026, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by the above-mentioned complaint. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

4. The declaration provided as follows:

“The Government hereby acknowledge that in case no. 23803/23, there was a breach of Article 6 § 1 of the Convention resulting from the proceedings before the national courts that ended with the decision of the Constitutional Court of the Czech Republic (IV. ÚS 3238/22).

The Government offer to pay the applicant the sum of EUR 2,500 (two thousand five hundreds [*sic*] euros), covering any and all non-pecuniary damage, and the sum of EUR 1,000 (one thousand euros), covering any and all costs and expenses, plus any tax that may be chargeable to the applicant on these amounts, converted into CZK (Czech korunas) at the rate applicable on the date of payment. These sums will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. In the event of failure to pay these sums within the said three-month period, the Government undertake to pay simple interest on them, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The Government consider the recognition of the violation and the payment of the specified amounts to be the final and adequate resolution of the case before the Court.

The Government note in this context that according to Article 3 § 4 (d) of Act. no. 586/1992, on income tax, payment of just satisfaction awarded by the Court or stemming from a settlement of the case before the Court based on a friendly settlement or a unilateral declaration made by the Government is not subject to personal income tax.”

5. In relation to the potential reopening of proceedings before the Constitutional Court following the unilateral declaration, the Government referred to the case-law of the Constitutional Court, confirming that a reopening of proceedings would be possible after a decision of the Court taking note of a unilateral declaration by the Government and striking the case out of its list, provided that the matter concerns a violation of Article 6 § 1 of the Convention which occurred in proceedings before the Constitutional Court (see decision no. Pl. ÚS 31/25 of 15 October 2025, § 19).

The Government were of the opinion that, as the present application satisfied these criteria, the Constitutional Court would be in a position to grant the applicant's request for reopening of the proceedings. The Government

therefore considered that the applicant had at its disposal an effective domestic remedy capable of providing redress in respect of the alleged violation raised in the present application.

6. The applicant was sent the terms of the Government's unilateral declaration several months before the present decision. It rejected the terms of the declaration, arguing that a decision to strike the application out of the Court's list of cases would not provide a sufficient legal basis for quashing the Constitutional Court's decision of 14 February 2023 which was in issue in the present case (no. IV. ÚS 3238/22) and for reopening the proceedings in respect of the applicant's constitutional complaint. In this context, the applicant referred to the inconsistent practice of the Czech Constitutional Court as regards the reopening of proceedings following a decision by the Court to strike the case out of the list on the basis of unilateral declarations by the Government acknowledging a violation of Convention rights.

7. The Court observes that Article 37 § 1 (c) of the Convention enables it to strike a case out of its list if:

“... for any other reason established by the Court, it is no longer justified to continue the examination of the application”.

8. Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, *Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI, and, for illustrative purposes, *Větrovec v. the Czech Republic* [Committee], no. 20342/23, 19 June 2025).

9. The Court has established clear and extensive case-law concerning complaints relating to the principle of legal certainty and the duty imposed on domestic courts to make a more substantial statement of reasons to justify a departure from their previous judicial practice (see *Suverénní řád Maltézských rytířů – České velkopřevorství v. the Czech Republic*, no. 15440/22, 11 September 2025, and *Naskov and Others v. North Macedonia*, nos. 31620/15 and 2 others, 12 December 2023).

10. The Court further observes that the recent practice of the Czech Constitutional Court seemed to indicate that the reopening of the proceedings before the Constitutional Court was possible following a decision by which the Court had struck out an application on the basis of a unilateral declaration by the Government (see paragraph 5 above). It notes in this connection that a retrial or the reopening of the case, if requested, represents in principle an appropriate way of redressing the violation in cases where an individual has been convicted following proceedings that have entailed breaches of the requirements of Article 6 of the Convention (see, in particular, *Moreira Ferreira v. Portugal* (no. 2) [GC], no. 19867/12, §§ 50 et 52, 11 July 2017, and *Stassart v. France* (dec.), no. 79356/17, 4 April 2023). The Court notes with satisfaction that the above-mentioned practice of the Constitutional

Court goes hand in hand with recently evolved judicial practice in several countries, with a view to enable applicants to seek the reopening of domestic proceedings also on the basis of the Court's decision to strike out the case following a unilateral declaration by the Government (see *Stassart*, cited above, § 28, and *Dudek and Lazar v. Poland* (dec.), nos. 41097/20 and 39577/22, § 26, 8 October 2024).

11. The Court is thus of the view that if the applicant in the present case so wishes, it may seek reopening of the domestic proceedings before the Constitutional Court, asking the plenary to follow up on its recent practice. In that event, it will be for the Constitutional Court to assess and decide whether reopening of the proceedings would be possible (see, *mutatis mutandis*, *Ktistakis v. the Czech Republic* (dec.), no. 22245/22, 19 December 2024, and, for illustrative purposes, *Větrovec*, cited above). In this context, the Court notes the doubts expressed by the applicant as to the chances of success of this procedural avenue. It nevertheless emphasises that, under the second paragraph of Article 37 of the Convention, it may decide to restore an application to its list of cases if it considers that the circumstances so justify.

12. Having regard to the nature of the admissions contained in the Government's declaration, the amount of compensation proposed therein - which is consistent with the amounts awarded in similar cases - and the Government's position as to the possible reopening of proceedings before the Constitutional Court, the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

13. Moreover, in the light of the factors above, and in particular given the clear case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

14. Lastly, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention.

15. In view of all these considerations, it is appropriate to strike this part of the application out of the list.

B. Remaining complaint

16. The applicant further complained that the procedure followed and the decision delivered by the Constitutional Court, being contrary to the right to a fair hearing, had consequently interfered with its property rights within the meaning of Article 1 of Protocol No. 1.

17. The Court observes that the applicant essentially alleged that as a consequence of the violation of Article 6 § 1 of the Convention, its right to peaceful enjoyment of possessions under Article 1 of Protocol No. 1 should automatically be considered to have been breached as well, without providing

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any details as to what this violation consisted of. The Court, having ruled on the essence of the complaint at issue under Article 6 § 1 of the Convention, finds that the applicant did not substantiate its complaint under Article 1 of Protocol No. 1.

18. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the applicant's complaint under Article 6 § 1 of the Convention concerning the principle of legal certainty out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the application inadmissible.

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

Martina Keller
Deputy Registrar

María Elósegui
President