

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

SECOND SECTION

CASE OF OTTLAKÁN v. HUNGARY

(Application no. 17201/23)

JUDGMENT

Art 13 (+ Art 3) • Compensation procedure for cramped conditions of detention ("*Domján* remedy") not effective in the case of a whole life prisoner on account of the obligation introduced by new legislation to set aside the compensation until his release”

Prepared by the Registry. Does not bind the Court.

STRASBOURG

16 June 2026

FINAL

16/09/2026

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.



In the case of Ottlakán v. Hungary,

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

Arnfinn Bårdsen*, President*,
Jovan Ilievski,
Péter Paczolay,
Oddný Mjöll Arnardóttir,
Stéphane Pisani,
Juha Lavapuro,
Hugh Mercer*, judges*,
and Andrea Tamietti, *Section Registrar,*

Having regard to:

the application (no. 17201/23) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Hungarian national, Mr József Ottlakán ("the applicant"), on 13 April 2023;

the decision to give notice to the Hungarian Government ("the Government") of the complaints concerning Article 3 and Article 13 of the Convention and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 26 May 2026,

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

INTRODUCTION

1. The application concerns the availability of an effective remedy concerning inadequate conditions of detention in the case of a whole life prisoner, in the context of new legislation that entered into force in 2021. The relevant provision in that new legislation prescribes that compensation awarded for cramped prison conditions must be set aside in a prisoner's holding account (a type of escrow account administered by a penal institution) until his or her release.

THE FACTS

2. The applicant was born in 1973 and is detained in Szeged Prison. He was represented by Ms E. Frank, a lawyer practising in Budapest.

3. The Government were represented by their Agent, Mr Z. Tallódi, of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

5. The Gyula High Court found the applicant guilty of murder and other crimes and sentenced him, as a recidivist, to life imprisonment without the possibility of parole. On 10 May 2013 the Szeged Court of Appeal reversed the first-instance judgment as regards the classification of certain offences

and ended the criminal proceedings in relation to trespassing; it otherwise upheld the first-instance judgment.

6. On 3 August 2020 the applicant lodged a compensation request in accordance with Act no. CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Detention for Regulatory Offences (hereinafter "the Execution of Punishments Act" or "the *Domján* remedy" – see paragraphs 12-19 below; see also *Domján v. Hungary* (dec.), no. 5433/17, § 15, 14 November 2017) in relation to the cramped detention conditions to which he had been subjected between 23 March 2019 and 24 July 2020.

7. On 13 October 2020 the Szeged High Court granted the applicant's request in part. The ruling held that his personal living space had been less than the statutory minimum of four square metres for 488 days during the period in question, thus he had been the victim of inhuman conditions of detention in prison. As a result, the court awarded him compensation in the amount of 585,600 Hungarian forints (HUF – approximately 1,500 euros (EUR)).

8. However, the payment of that compensation was suspended under section 436(16) of the Execution of Punishments Act for about two and a half months, until 31 December 2020. The official explanation accompanying the bill introducing the amendment referred to the government's policy goal to eliminate the "unjust practice" of certain groups abusing the *Domján* remedy and thereby acquiring large amounts of money in compensation (see paragraph 14 below).

9. In addition, as of 1 January 2021 section 133(4a) of the Execution of Punishments Act extended the general obligation to set aside such compensation for prisoners in holding accounts as part of the reintegration objectives (see paragraphs 16 and 18 below). Accordingly, the compensation awarded to the applicant in the *Domján* proceedings was paid into his holding account to be set aside until his release. The sum in question has been in that account ever since.

10. On 28 June 2021 the applicant lodged a complaint with the Constitutional Court, challenging the constitutionality of section 133(4a) of the Execution of Punishments Act (see paragraph 16 below) and section 10/E of Government Decree no. 16/2014. (XII.19.) of the Minister of Justice (hereinafter "the Execution of Punishments Decree" – see paragraph 20 below). He argued that as a prisoner sentenced to life imprisonment without the possibility of parole, he had effectively been deprived of the compensation awarded to him for the cramped detention conditions which he had experienced. On 6 December 2022 the Constitutional Court dismissed the complaint in decision no. 3511/2022. (XII. 20.) AB. It found that the applicant lacked victim status in the proceedings, as he had failed to exhaust the available domestic remedies in that he had not requested that the prison governor authorise the payment to him on exceptional grounds under section 10/E of the Execution of Punishments Decree.

11. Regarding the applicant's whole life sentence, the Court found, within the ambit of another application, that it could not be regarded as reducible for the purposes of Article 3 of the Convention (see *Pápics and Others v. Hungary* [Committee], nos. 13727/20 and 15 others, § 9, 4 March 2025).

RELEVANT LEGAL FRAMEWORK

I. THE EXECUTION OF PUNISHMENTS ACT

12. The relevant provisions, in so far as they concern *Domján* proceedings, as in force at the material time, were set out in *Domján* (cited above, § 15).

13. As regards the obligation to transfer compensation to a prisoner's holding account, section 10/B(5), introduced by Act no. IV of 2020, was in force between 7 March and 31 December 2020. Since then, it has been set out in section 75/S(1) with essentially the same content. It reads as follows:

> "Payment shall be made
>
> (a) to a convicted person on the basis of a decision concerning compensation [awarded for conditions of detention that violate fundamental rights]
>
> (aa) if [that person is] detained, by transfer to a holding account managed by the penal institution, ..."

14. The disbursement of such compensation was suspended until 31 December 2020 under section 436(16). The general explanation accompanying the bill introducing the amendment to that provision contained the following passage:

> "Citizens' sense of justice has been fundamentally violated by the 'prison business' (*börtönbiznisz*) that has developed in recent years. Millions in compensation have been awarded to convicted, violent criminals from the taxes of the Hungarian people. The Government's priority goal is to eliminate this unjust practice. A legal framework is needed that prevents certain groups from abusing the law in a business-like manner. ..."

15. The general obligation to pay a certain amount into a prisoner's holding account for the period following his or her release is set out in section 133(4). The provision, in force since 1 January 2018, provides as follows:

> "A specified portion of a convicted person's earnings and regular financial support must be set aside for the period [following] his or her release. From the start of [a person's] imprisonment, the monthly amount set aside shall be one-twelfth of 50% of the basic monthly wage for the first four years of imprisonment, and one-twelfth of 25% of the basic monthly wage for each month of imprisonment [thereafter]."

16. The obligation to pay the full amount of compensation awarded for cramped prison conditions into a prisoner's holding account for the period following his or her release was enacted by Act no. CL of 2020 ("the 2020 Amendment"). It has been in force since 1 January 2021 and provides as follows:

Section 133(4a)

"The compensation awarded for prison conditions violating fundamental rights and transferred into a convicted prisoner's holding account managed by the penal institution shall be set aside for the period following his or her release. At the convicted prisoner's request, the governor of the penal institution may authorise the payment of the compensation or part of the amount to a relative or contact person of the convicted prisoner, if a circumstance specified in the law as deserving special consideration exists."

17. The general explanation accompanying the bill for the 2020 Amendment (see paragraph 16 above) reads as follows:

"Compensation for prison overcrowding is a compensation system for persons detained in penal institutions in conditions that violate fundamental rights owing to overcrowding which aims to offset the harm caused by such detention conditions in penal institutions. Since 1 January 2017 compensation for prison overcrowding has been regulated by [the Execution of Punishments Act]. The original intention of the legislature was to establish an efficient and well-functioning [system], but experience with the operation of the [compensation] system has shown that [it] is not adequate in this form. ...

In addition, abuses surrounding legal actions for compensation related to prison conditions have become apparent, [and] have seriously violated society's sense of justice. It has become widely known that in some cases, even persons convicted of crimes that deeply shocked public opinion were able to obtain millions in compensation, while the victims of crime and their relatives did not have the opportunity to assert their claims effectively. Therefore, in order to protect the rights and interests of victims of crime and to eliminate further unacceptable abuses related to prison conditions, Parliament suspended the payment of amounts awarded in compensation proceedings ... as of 7 March 2020.

The bill ... establishes a new regulatory system that in itself excludes the possibility of further abuses related to the prisoner compensation system and ensures the enforcement of legitimate claims by victims and their relatives in a faster and more efficient manner than ever before. ..."

18. The detailed explanation relating to section 133(4a) reads as follows:

"When [the Execution of Punishments Act] was created, the main goal was to facilitate reintegration into society and, within this framework, to ensure the necessary conditions for [a person] to develop a law-abiding lifestyle after [his or her] release. After serving [his or her] prison sentence, a convicted person can successfully adapt to social expectations if, after his or her release, he or she is involved in everyday life in a similar way to [other] members of society, and this is significantly facilitated by a financial background serving to ensure his or her survival. In this context, the [Execution of Punishments Act] prescribed that a certain part of a convicted person's earnings and regular financial support had to be set aside in order to ensure that the prisoner had a certain amount of money at his or her disposal upon release. In view of this reintegration objective, it is justified to extend the obligation to set aside [such funds] to ensure a financial base after [a prisoner's] release to compensation received for conditions [of detention] that violate fundamental rights. By restricting the use of compensation received, it can be ensured that if the convicted person does not have any debts, the compensation will be available upon his or her release, thus contributing to his or her being able to live a law-abiding life and reintegrate into society. In addition to restricting the use [of such compensation], the bill also takes into account those life

situations requiring equity that justify exemption[s] from the restriction, which may be granted by ... the prison governor in the cases specified in law."

19. In accordance with sections 21 and 142, prisoners have the right to lodge a complaint against a decision of the prison governor within 15 days from the date of service. The complaint is examined by the head of the "agglomeration centre" (*agglomerációs központ*).

II. DECREES OF THE MINISTER OF JUSTICE CONCERNING PRISONERS' HOLDING ACCOUNTS AND RELEVANT OBLIGATIONS REGARDING COMPENSATION

20. The following exceptions to the rule under section 133(4a) of the Execution of Punishments Act (see paragraph 16 above) have been provided for by section 10/E of the Execution of Punishments Decree since 1 January 2021:

"(1) In the application of section 133(4a) of the Execution of Punishments Act, a circumstance deserving special consideration is deemed to exist if the payment is needed to

(a) preserve the life or health of the convicted prisoner or his or her relative;

(b) mitigate damage to the property of the convicted prisoner or his or her relative; or

(c) cover the costs of the funeral of a close relative of the convicted prisoner."

21. Decree no. 15/2014. (XII. 17.) sets out provisions concerning the general obligation to set aside funds in a prisoner's holding account for the period following his or her release. The relevant provisions read as follows:

Section 15

"...

(3) For the period following [a prisoner's] release, the appropriate amount shall be set aside in accordance with section 133(4) of the Execution of Punishments Act [and] the penal institution shall deduct [that amount] from the prisoner's holding [account] in equal monthly instalments, starting from the date of [his or her] admission [to prison]. In the event of a change in the basic wage, the amount set aside for [the prisoner's] release shall be supplemented.

(4) No deductions may be made from the amount compulsorily set aside for [the prisoner's] release, nor may any payments be made to the prisoner. ..."

THE LAW

III. PRELIMINARY REMARKS

22. The Court observes that the main issue in the present case pertains to the effectiveness of the *Domján* remedy in the case of the applicant, who is a whole life prisoner. In particular, the question is whether the applicant was granted appropriate relief by the *Domján* remedy, given that in line with the 2020 Amendment (see paragraph 13 above), the compensation awarded to him has not been disbursed to him and has been set aside in his holding account for his potential release. The Court reiterates that it had already found that the *Domján* remedy was available and effective – that is to say, that the remedy guaranteed in principle genuine redress for Convention violations resulting from prison overcrowding and other unsuitable conditions of detention in Hungary (see *Domján v. Hungary* (dec.), no. 5433/17, § 30, 14 November 2017). In the light of the foregoing, in the present case, the scope of the Court's examination concerns the subsequent 2020 Amendment.

IV. ALLEGED VIOLATION OF ARTICLE 13 READ IN CONJUNCTION WITH ARTICLE 3 OF THE CONVENTION

23. The applicant complained under Article 13 of the Convention taken in conjunction with Article 3 that his grievances concerning inhuman conditions of detention had not been remedied, on account of his inability to access the compensation which he had been awarded. The relevant Convention provisions read as follows:

Article 3

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

Article 13

"Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

A. Admissibility

24. The Government did not contest the applicability of Article 13 to the facts of the present case. The Court reiterates that it is obliged to examine the question of its jurisdiction at every stage of the proceedings and that the issue whether a particular Article of the Convention or a Protocol thereto is applicable or not is a matter that goes to its jurisdiction *ratione materiae* (see, for example, *Grosam v. the Czech Republic* [GC], no. 19750/13, §§ 106-07, 1 June 2023).

25. The Court has already found that where a domestic court recognises that an applicant was subjected to inhuman conditions of detention, there is an arguable claim under Article 3 of the Convention, and Article 13 is therefore applicable (see *Barbotin v. France*, no. 25338/16, § 32, 19 November 2020, with further references). In the present case, the Szeged High Court acknowledged the inhuman nature of the conditions of detention suffered by the applicant (see paragraph 7 above). It follows that Article 13 of the Convention applies.

26. The Court further considers that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The parties' arguments

(a) The applicant

27. The applicant argued that for him, as a whole life prisoner, release and subsequent reintegration were theoretical and illusory because there was no mechanism for regular review of his life sentence. Consequently, he could not access the compensation which he had been awarded, and in his particular case the measure ran counter to its stated purpose. Furthermore, he argued that the State was acting in a paternalistic manner by not letting him manage the compensation himself in a responsible way.

28. As to the statutory exceptions to the obligation to set aside funds in a holding account, the applicant emphasised that the legal avenue of requesting that the prison governor allow the disbursement of compensation was conditional and only available on exceptional grounds. In any event, the applicant submitted that such proceedings were futile, since the prison governor's discretionary decision was not subject to judicial review.

29. In the applicant's view, the foregoing rendered the *Domján* remedy ineffective in his case.

(b) The Government

30. The Government argued that the 2020 Amendment aimed to facilitate the reintegration of prisoners by providing them with a financial reserve for the period following their release. The legislation ensured that on the one hand, compensation was directly transferred into a prisoner's holding account so as to prevent lawyers from deducting high fees for their services, and on the other hand, prisoners were prevented from spending that money before their release.

31. The Government furthermore argued that by providing access to such compensation in exceptional situations (see paragraphs 16 and 20 above), the legislation in question merely restricted but did not prevent prisoners from

using that money. If a prisoner's request for disbursement of the compensation was rejected by the prison governor, he or she could lodge a complaint against that decision within the prison system (see paragraph 19 above). They submitted that since the inception of the new system, out of 29 cases in total, 11 whole life prisoners had been awarded compensation for cramped detention conditions in Szeged Prison, and the prison governor had allowed 10 of those prisoners to receive payments on exceptional grounds.

32. In the Government's view, the need to have a financial reserve for reintegration was even more important in the case of prisoners sentenced to life imprisonment. They submitted that the individual or mandatory pardon procedure allowed for the potential release and subsequent reintegration of whole life prisoners.

2. The Court's assessment

(a) General principles

33. The Court has noted the general principles with regard to an effective remedy in the context of conditions of detention of prisoners in *Ananyev and Others v. Russia* (nos. 42525/07 and 60800/08, §§ 93-98, 10 January 2012), and reiterated them in *Neshkov and Others v. Bulgaria* (nos. 36925/10 and 5 others, §§ 180-91, 27 January 2015).

34. In particular, the Court recalls that Article 13 of the Convention guarantees the availability at national level of a remedy to enforce the substance of the Convention rights and freedoms in whatever form they might happen to be secured in the domestic legal order (see *Rotaru v Romania* [GC], no. 28341/95, § 67, ECHR 2000-V, and *Mugemangango v. Belgium* [GC], no. 310/15, § 130, 10 July 2020).

35. The effect of Article 13 is thus to require the provision of a domestic remedy allowing the competent "national authority" both to deal with the substance of an "arguable complaint" concerning a violation of a Convention right and to grant appropriate relief, although Contracting States are afforded some discretion as to the manner in which they conform to their Convention obligations under this provision (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 148, ECHR 2014, and *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, § 217, 25 June 2019).

36. The scope of the obligation under Article 13 varies depending on the nature of the applicant's complaint under the Convention. Nevertheless, the remedy required by Article 13 must be "effective" in practice as well as in law, in particular in the sense that its exercise must not be unjustifiably hindered by the acts or omissions of the authorities of the respondent State (see *İlhan v. Turkey* [GC], no. 22277/93, § 97, ECHR 2000-VII, and *Nicolae Virgiliu Tănase*, cited above, § 218).

37. The term "effective" means that the remedy must fulfil the obligation of promptness (see *Çelik and İmret v. Turkey*, no. 44093/98, § 59, 26 October

2004, and *Kadiķis v. Latvia (no. 2)*, no. 62393/00, § 62, 4 May 2006). A remedy which will not bear fruit in sufficient time is inadequate and ineffective (see *Pine Valley Developments Ltd and Others v. Ireland*, 29 November 1991, § 47, Series A no. 222, and *Payet v. France*, no. 19606/08, §§ 131-134, 20 January 2011).

38. The obligation of States under Article 13 encompasses a duty to ensure that the competent authorities enforce remedies when granted. It would be inconceivable if Article 13 secured the right to a remedy, and provided for it to be effective, but did not guarantee the implementation of remedies used successfully. To hold the contrary would lead to situations incompatible with the principle of the rule of law which the Contracting States undertook to respect when they ratified the Convention (see *Kenedi v. Hungary*, no. 31475/05, § 47, 26 May 2009, and *Kaić and Others v. Croatia*, no. 22014/04, § 40, 17 July 2008).

39. Where the protection of the rights of prisoners under Article 3 of the Convention is concerned, the preventive and compensatory remedies have to be complementary in order for that protection to be considered effective (see *J.M.B. and Others v. France*, nos. 9671/15 and 31 others, § 167, 30 January 2020, and *Ulemek v. Croatia*, no. 21613/16, §§ 71-72, 31 October 2019).

40. In the context of compensatory measures, monetary compensation should be accessible to any current or former inmate who has been held in inhuman or degrading conditions and has made an application to this effect (see *Neshkov and Others*, cited above, § 190, and *Barbotin v. France*, no. 25338/16, § 47, 19 November 2020). Moreover, an applicant is normally required to have recourse only to those remedies that are available and sufficient to afford redress in respect of the breaches alleged. The existence of the remedies in question must be sufficiently certain not only in theory but also in practice, failing which they will lack the requisite accessibility and effectiveness (see, *inter alia*, *Ananyev and Others*, cited above, § 94; *Vernillo v. France*, 20 February 1991, § 27, Series A no. 198; and *Johnston and Others v. Ireland*, 18 December 1986, § 45, Series A no. 112).

(b) Application of those principles to the present case

41. The Court notes that in the present case the applicant, a whole life prisoner, made successful use of the *Domján* remedy, obtaining a compensation of approximately EUR 1,500 for the inhuman conditions of detention to which he had been submitted for 488 days (see paragraphs 6 and 7 above).

42. However, the payment of the compensation in question to the applicant was first suspended under section 436(16) of the Execution of Punishments Act until 31 December 2020 (see paragraphs 8 and 14 above). Subsequently, the compensation was paid into the applicant's holding account and has been there ever since, by virtue of sections 75/S and 133(4a) of the Execution of Punishments Act, for reintegration purposes (see

paragraphs 9, 13, 16 and 18 above). The compensation has not been readily available to the applicant since then.

43. Given that the applicant's whole life sentence cannot be regarded as reducible for the purposes of Article 3 of the Convention (see paragraph 11 above), the Court cannot but conclude that the applicant has no realistic prospect of release, and likewise, no prospect of receiving the compensation upon his release. This state of affairs renders void the Government's submission about reintegration purposes (see paragraph 30 above). Moreover, the Court observes that the compensation was initially unavailable until 31 December 2020 because of section 436(16) of the Execution of Punishments Act, which aimed to eliminate the "unjust practice" of prisoners receiving "millions in compensation" by availing themselves of the *Domján* remedy (see paragraph 14 above). That justification was also reiterated by the general explanation accompanying the 2020 Amendment (see paragraph 17 above).

44. As to a request for the prison governor to disburse compensation in special circumstances (see the Government's arguments summarised in paragraph 31 above), the Court observes that section 10/E of the Execution of Punishments Decree enumerates the circumstances in which a prisoner may be allowed to access such compensation (see paragraph 20 above). However, the presence of those grounds, which are at any rate quite limited in scope, in the applicant's case were not relied on neither by the applicant, nor by the Government. It follows that that legal avenue was not available to him. However, if such grounds had existed and the applicant had made a request to the governor, a potential rejection of that request would not have been subject to a review outside the prison system (see paragraphs 19 and 31 above). Given the exceptional nature of the potential grounds for an exemption and the absence of adequate safeguards against arbitrariness, the Court cannot agree with the Government's argument that a request to the governor could have remedied the situation complained of.

45. The Court further reiterates that a key criterion of an effective remedy is that it is prompt and bears fruit in sufficient time (see the case-law quoted in paragraph 37 above). The Convention is intended to guarantee not theoretical or illusory rights, but rights that are practical and effective (see, amongst many other authorities, *Selami and Others v. the former Yugoslav Republic of Macedonia*, no.78241/13, § 101, 1 March 2018). Monetary compensation should be accessible to an inmate as part of a compensatory remedy (see the case-law quoted in paragraph 40 above). Therefore, the Court finds that in the context of complaints concerning conditions of detention, a compensatory remedy must not only be available to an aggrieved individual without undue delay, but compensation must be paid to the victim promptly (see *Burdov v. Russia* (no. 2), no. 33509/04, § 99, ECHR 2009). While the Court can accept that the authorities need time in which to make payment, that period should not generally exceed six months from the date on which the decision awarding compensation becomes enforceable (see, *mutatis*

mutandis, *Scordino v. Italy (no. 1)* [GC], no. 36813/97, § 198, ECHR 2006−V).

46. The Court notes that the discretion that is afforded to States as to the manner in which they conform to their Convention obligations under Article 13 of the Convention is not unfettered; in particular, the exercise of the rights stemming from this provision must not be unjustifiably hindered by the acts or omissions of the authorities of the respondent State (see *Centre for Legal Resources on behalf of Valentin Câmpeanu*, cited above, § 148). Therefore, it finds that making the applicant's release, which is *per se* illusory (see paragraph 43 above), a condition of the disbursement of his compensation flies in the face of the principle of promptness that is required for a remedy to be effective within the meaning of Article 13. It follows that the *Domján* remedy in the applicant's case cannot bear fruit in sufficient time.

47. The foregoing considerations are sufficient to enable the Court to conclude that having regard to the applicant's individual circumstances as a whole life prisoner, the *Domján* remedy in his particular case cannot be regarded as effective, on account of the obligation to set aside the compensation until his release.

48. There has accordingly been a violation of Article 13 taken in conjunction with Article 3 of the Convention.

V. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

49. Relying on Article 3 alone, the applicant submitted that his grievances concerning inhuman conditions of detention had not been remedied, on account of his inability to access the compensation which he had been awarded.

50. The Government argued that the applicant had no victim status within the meaning of Article 34 of the Convention, since he had been awarded compensation for the inadequate prison conditions.

51. The applicant disagreed. He submitted that his victim status flowed directly from the 2020 Amendment (see paragraph 16 above), which prevented him from accessing the compensation in question.

52. Having regard to the findings under Article 13 (see paragraph 47 above), the Court reiterates that the *Domján* remedy, as altered by the 2020 Amendment, was not an effective remedy in the applicant's case, therefore his grievances under Article 3 were not adequately remedied (see, *mutatis mutandis*, *Firstov v. Russia*, no. 42119/04, §§ 30-39, 20 February 2014, and for general principles, *Scordino*, cited above, §§ 178-91). Consequently, the applicant retained his victim status under Article 3 of the Convention (see, *a contrario*, *Yengo v. France*, no. 50494/12, §§ 55-56, 21 May 2015).

53. The Court nevertheless observes that since the applicant's complaint under Article 3 amounts to a repetition of his complaint under Article 13 taken in conjunction with Article 3, and having regard to its findings concerning the ineffectiveness of the *Domján* remedy in his particular

situation (in paragraph 47 above), it is not necessary to examine the admissibility and merits of the complaint under Article 3 (see, *mutatis mutandis*, *Hamidović v. Bosnia and Herzegovina*, no. 57792/15, § 47, 5 December 2017; see also, for the circumstances under which the Court is allowed to refrain from examining some complaints, and notably complaints which fully, or to some extent, overlap with complaints which it has already examined, *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, §§ 221-225, 11 December 2025).

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

54. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

55. The applicant claimed 585,600 Hungarian forints (approximately 1,500 euros (EUR)) in respect of pecuniary damage and EUR 10,000 in respect of non-pecuniary damage, together with interest on arrears equalling to four months.

56. The Government contested these claims.

57. The Court awards the applicant the full amount claimed in respect of pecuniary damage, that is to say, EUR 1,500, which corresponds to the sum granted to him by the Szeged High Court in compensation (see paragraph 7 above). Moreover, the Court considers that the finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage suffered by the applicant and accordingly makes no award under this head.

B. Costs and expenses

58. The applicant also claimed EUR 8,600 for the costs and expenses incurred before the Court. This sum corresponds to 26 hours of billable legal work.

59. The Government contested this claim.

60. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 5,000 covering the costs of the proceedings before the Court, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning Article 13 read in conjunction with Article 3 of the Convention admissible;

2. *Holds* that there has been a violation of Article 13 read in conjunction with Article 3 of the Convention;

3. *Holds* that there is no need to examine the admissibility and merits of the complaint under Article 3 of the Convention;

4. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant;

5. *Holds*
   (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 1,500 (one thousand five hundred euros), plus any tax that may be chargeable, in respect of pecuniary damage;
      (ii) EUR 5,000 (five thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

6. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 16 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti Registrar	Arnfinn Bårdsen President