



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

SECOND SECTION

CASE OF J. T. v. HUNGARY

(Application no. 44608/98)

JUDGMENT

STRASBOURG

22 July 2003

FINAL

22/10/2003

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of J. T. v. Hungary,

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

Mr J.-P. COSTA, *President*,

Mr A.B. BAKA,

Mr GAUKUR JÖRUNÐSSON,

Mr L. LOUCAIDES,

Mr C. BÎRSAN,

Mr M. UGREKHELIDZE,

Mrs A. MULARONI, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 12 March 2002 and 1 July 2003,

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

PROCEDURE

1. The case originated in an application (no. 44608/98) against the Republic of Hungary lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Hungarian national, Mr J. T. (“the applicant”), on 23 June 1998.

2. The Hungarian Government (“the Government”) were represented by their Agent, Mr L. Hölzl, Deputy State-Secretary, Ministry of Justice.

3. The applicant alleged, in particular, that the proceedings instituted on 16 April 1993 before the Buda Surroundings District Court lasted an unreasonably long time.

4. The application was transmitted to the Court on 1 November 1998, when Protocol No. 11 to the Convention came into force (Article 5 § 2 of Protocol No. 11).

5. The application was allocated to the Second Section of the Court (Rule 52 § 1 of the Rules of Court). Within that Section, the Chamber that would consider the case (Article 27 § 1 of the Convention) was constituted as provided in Rule 26 § 1.

6. On 1 November 2001 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed Second Section (Rule 52 § 1).

7. By a decision of 12 March 2002 the Court declared the application partly admissible.

8. The Registry's letters to the applicant dated 31 May and 11 October 2002 remained unanswered. A further letter, sent by registered mail on 29 November 2002, was received – against signature – at the applicant's

address on 6 December 2002. However, the Registry received no reply to this letter either.

9. The Court was subsequently informed that the applicant had died on 16 December 2002. No successor has come forward to take his place.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

10. The applicant was born in 1950 and lived in Gyömrő, Hungary.

11. In 1986 the applicant had a work-related accident. Until July 1990 he was unfit for work and received an 'accident allowance' on account of a partial disability. In the light of subsequent medical reports showing an improved working capacity, the allowance was stopped as from August 1990.

12. On 16 April 1993 the applicant brought a court action to challenge the social security authorities' decisions refusing to resume payment of the allowance.

13. On 30 April, 7 June and 3 September 1993 the Buda Surroundings District Court held hearings. On 21 December 1993 it joined the applicant's various claims against the social security authorities. Several hearings and an expert examination were conducted between 12 January 1994 and 1 March 1996.

14. On 24 June 1997 the District Court appointed a traumatology expert. The applicant underwent further medical examinations on 15 September and 9 October 1997. The completed expert opinion was submitted on 10 February 1998. On 12 February 1998 the District Court ordered the Forensic Committee of the Health Science Council to reconcile the various medical opinions submitted in the case, which it did on 2 September 1998.

15. On 12 November 1998 the District Court dismissed the applicant's action.

16. On 8 March 1999 the Pest County Regional Court dismissed the applicant's appeal.

17. On 12 December 2000 the Supreme Court dismissed the applicant's petition for review. On 13 March 2001 this decision was forwarded to the first instance court for service on the parties.

18. On 16 December 2002 the applicant died. On 14 May 2003 the Government informed the Registry of this fact. None of the applicant's successors, if such exist, has contacted the Court.

THE LAW

19. The Court notes the applicant's demise on 16 December 2002. However, it considers that the applicant's death does not in itself dispose of his complaint. It recalls that close relatives of the deceased applicant are in principle entitled to take his place (*X v. France* judgment of 31 March 1992, Series A no. 234-C, p. 89, § 26).

20. The applicant's complaint related to the length of proceedings concerning his disability allowance. Thus, the subject matter of the case was closely linked to the person of the deceased applicant. However, no successor has come forward to take the applicant's place.

21. In these circumstances, the Court concludes that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention. Furthermore, the Court finds no reasons of a general character, as defined in Article 37 § 1 *in fine*, which would require the examination of the application by virtue of that Article.

22. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English, and notified in writing on 22 July 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ
Registrar

J.-P. COSTA
President