



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

SECOND SECTION

**CASE OF THEISZLER v. HUNGARY**

*(Application no. 52727/99)*

JUDGMENT  
(Friendly settlement)

STRASBOURG

30 September 2003

*This judgment is final but it may be subject to editorial revision.*



**In the case of Theiszler 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 JÖRUNDSSON,

Mr K. JUNGWIERT,

Mr V. BUTKEVYCH,

Mrs W. THOMASSEN,

Mr M. UGREKHELIDZE, *judges*,

and Mr T. L. EARLY, *Deputy Section Registrar*,

Having deliberated in private on 17 December 2002 and on 9 September 2003,

Delivers the following judgment, which was adopted on the last-mentioned date:

## PROCEDURE

1. The case originated in an application (no. 52727/99) against the Republic of 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, Ms Judit Theiszler (“the applicant”), on 24 September 1999.

2. The applicant was represented by Mr G. Papp, a lawyer practising in Budapest. The Hungarian Government (“the Government”) were represented by their Agent, Mr L. Hölztl, Deputy State-Secretary, of the Ministry of Justice.

3. The applicant complained under Article 6 § 1 of the Convention about the length of civil proceedings.

4. On 17 December 2002 the application was declared admissible.

5. On 29 April 2003, after an exchange of correspondence, the Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 7 and 12 May 2003 the applicant and the Government, respectively, submitted formal declarations accepting a friendly settlement of the case.

## THE FACTS

6. The applicant was born in 1958 and lives in Dunabogdány, Hungary.

7. On 16 May 1991 the applicant brought an action against her former husband before the Szentendre District Court for a division of their matrimonial property.

8. On 4 November 1991 and 8 January 1992 the parties were heard by the District Court and the applicant was ordered to submit her motions for the hearing of evidence within 30 days.

9. Further hearings took place on 6 April and 13 August 1992, at which the parties announced that they hoped to reach an agreement. At the hearing on 16 November 1992 the parties informed the court that the settlement negotiations had proved unsuccessful.

10. At the hearing on 24 May 1993 the applicant failed to appear. The District Court heard two witnesses. It also ordered the applicant to deposit an advance to cover the costs of an expert. Further hearings were held on 17 January, 9 February and 16 February 1994. At the hearing on 30 March 1994 the District Court found it necessary to appoint an expert and ordered the parties to deposit the anticipated costs or submit a request for exemption. The applicant submitted a request for exemption; the defendant, despite a warning, failed to comply with the order.

11. The hearing scheduled for 15 February 1995 was postponed due to the illness of the judge. Further hearings took place on 22 March, 24 April, and 2 October 1995, 2 September and 18 December 1996. On 27 November 1997 the court appointed an expert. Further hearings were held on 5 February, 23 June, 28 September and 23 November 1998, 18 and 25 January 1999.

12. On 17 February 1999 the Szentendre District Court delivered judgment, which was served on 27 April 1999 and became final on 13 May 1999.

## THE LAW

13. On 7 May 2003 the Court received the following declaration signed by the applicant:

“I note that the Government of Hungary are prepared to pay me the sum of EUR 6,500 (six thousand five hundred euros), or its equivalent in Hungarian forints converted at the euro foreign exchange reference rate of the European Central Bank at the date of settlement, covering pecuniary and non-pecuniary damage as well as costs and expenses, plus interest if payment is delayed, with a view to securing a settlement of application no. 52727/99 pending before the Court.

I accept the proposal and waive any further claims against Hungary in respect of the facts of this application. I declare that this constitutes a final settlement of the case and that I will not request a rehearing of the case before the Grand Chamber.”

14. On 12 May 2003 the Court received the following declaration from the Government:

“I declare that the Government of Hungary offer to pay EUR 6,500 (six thousand five hundred euros), or its equivalent in Hungarian forints converted at the euro foreign exchange reference rate of the European Central Bank at the date of settlement, to Ms Judit Theiszler, with a view to securing a friendly settlement of the application registered under no. 52727/99. This sum shall cover any pecuniary and non-pecuniary damage as well as costs and expenses, and it will be payable within three months from the date of delivery of the judgment by the Court pursuant to Article 39 of the European Convention on Human Rights.

This sum shall be paid to a bank account named by the applicant, free of any taxes and charges that may be applicable.

Simple interest at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points shall be payable from the expiry of the above-mentioned three months until settlement.

The Government declare that they will not request that the case be referred to the Grand Chamber. The payment will constitute the final resolution of the case.”

15. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 30 September 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T. L. EARLY  
Deputy Registrar

J.-P. COSTA  
President