



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

SECOND SECTION

CASE OF CSANÁDI v. HUNGARY

(Application no. 55220/00)

JUDGMENT

STRASBOURG

9 March 2004

FINAL

09/06/2004

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 Csanádi 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 L. LOUCAIDES,

Mr K. JUNGWIERT,

Mr V. BUTKEVYCH,

Mrs W. THOMASSEN,

Mr M. UGREKHELIDZE, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 18 March 2003 and 17 February 2004,

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

PROCEDURE

1. The case originated in an application (no. 55220/00) 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, Mr Lajos Csanádi (“the applicant”), on 22 December 1999.

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

3. The applicant alleged that the criminal proceedings instituted against him lasted an unreasonably long time, in breach of Article 6 § 1 of the Convention.

4. 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.

5. 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).

6. By a decision of 18 March 2003 the Court declared the application admissible.

7. The applicant and the Government each filed observations on the merits (Rule 59 § 1).

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

8. The applicant was born in 1947 and lives in Szabadszállás, Hungary.

9. On 20 April 1995 the applicant was driving his car and had a collision with a bus. Some passengers suffered injuries. The Székesfehérvár Police inspected the scene of the accident. Subsequently the applicant's blood alcohol level was tested.

10. On 6 May 1995 criminal investigations were instituted in which the applicant was accused of having negligently caused a traffic accident. On 12 May 1995 a motor-vehicle expert presented his opinion in the case.

11. On 22 December 1995 the Fejér County Public Prosecutor's Office preferred charges. In view of the conclusions of a medical expert, on 29 May 1996 the Public Prosecutor's Office completed the indictment charging the applicant with having caused permanent disability.

12. On 15 January 1997 the Székesfehérvár District Court held its first hearing. Subsequently experts were appointed, who presented their opinions on 30 June 1997.

13. A hearing scheduled for 15 April 1998 was adjourned on account of the applicant's motion for bias, which was dismissed by the Supreme Court on 6 July 1998.

14. On 26 November 1998 the District Court held a hearing. On 10 December 1998 and 28 January 1999, respectively, the applicant and the Prosecutor's Office proposed that an on-site experiment be carried out.

15. On 10 February 1999 the District Court adjourned the hearing scheduled for 25 February and ordered an expert institute to reconcile the earlier expert opinions. On 23 February 1999 the applicant submitted his further proposals concerning the taking of evidence.

16. A hearing scheduled for 20 May 1999 was adjourned on account of the applicant's illness. On 26 July 1999 the expert institute presented its report.

17. On 24 November 1999 the District Court adjourned a hearing scheduled for 9 December 1999, since the applicant could not be summoned.

18. On 13 February 2000 the applicant submitted his further proposals concerning the taking of evidence and provided information on his new address. On 9 June 2000 the Supreme Court dismissed the applicant's further motion for bias, introduced on 21 February 2000.

19. On 17 January 2001 the applicant proposed that the investigations be completed and an inspection of the accident scene be held.

20. A hearing scheduled for 25 January 2001 was adjourned on account of the applicant's illness.

21. On 17 May 2001 a hearing took place. The District Court held that, on account of the lapse of time since the accident, the taking of evidence needed to be repeated completely. It decided not to make an on-site inspection until certain witnesses could be heard.

22. On 16 July 2001 an examination of the applicant's fitness to drive was ordered. On 13 September 2001 a hearing at the scene of the accident was re-scheduled for 3 October 2001.

23. On 27 September 2001 the Fejér County Regional Court dismissed the applicant's further motion for bias.

24. On 3 October 2001 the District Court held a hearing and heard witnesses and experts. On the same day, the scene of the accident was also inspected.

25. The proceedings are still pending before the District Court.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

26. The applicant complained that the length of the criminal proceedings in his case exceeded a reasonable time within the meaning of Article 6 § 1 of the Convention, which, in so far as relevant, reads:

“In the determination of ... any criminal charge against him ..., everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal...”

27. The Government contested this view.

A. Period to be taken into consideration

28. The Court observes that the proceedings commenced on 6 May 1995 when the applicant was accused of having negligently caused an accident and investigations were opened against him. The proceedings are still pending before the first-instance court. The total length of the applicant's case to date amounts to eight years and nine months.

B. Reasonableness of the length of the proceedings

29. The Court recalls that the reasonableness of the length of proceedings must be assessed in the light of the particular circumstances of the case and having regard to the criteria laid down in the Court's case-law, in particular the complexity of the case, the conduct of the applicant and of the relevant authorities, and the importance of what was at stake for the

applicant in the litigation (see, for instance, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

1. Complexity of the case

30. The Government submitted that the case was rather complicated, particularly in view of the need to repeat the expert examinations.

The applicant contested this view.

31. The Court notes that the case concerned the establishment of the circumstances of an accident and the clarification of the liability of the applicant. Notwithstanding the need to obtain expert opinions, the Court is not convinced that the complexity of the case alone can explain the length of the proceedings.

2. Conduct of the applicant

32. The Government argued that the applicant contributed to the protraction of the proceedings by requesting adjournments, submitting motions for bias and filing several proposals as to how evidence should be taken.

The applicant contested this.

33. The Court considers that, in the circumstances, Article 6 § 1 of the Convention did not require the applicant to cooperate actively with the judicial authorities since he was vigorously contesting the criminal charges against him. Nor can he be reproached in this connection for having used the domestic remedies available under domestic law, for example by filing motions for bias and submitting proposals on the manner in which evidence should be taken. At the same time, the delay caused by these actions cannot be attributed to the State when determining whether the proceedings lasted longer than the “reasonable time” (see *Eckle v. Germany*, judgment of 15 July 1982, Series A no. 51, p. 36, § 82).

The Court observes however that although a hearing scheduled for 15 April 1998 had to be adjourned due to the applicant’s motion for bias, the District Court did not schedule the next hearing until 26 November 1998, despite the fact that the Supreme Court had already dealt with the motion on 6 July 1998. The Court is nevertheless hesitant to attribute decisive importance to this delay. The applicant’s renewed motions had no effect on the schedule of hearings, and the courts dealt with the motions within a few months. For the Court, these delays are not significant in comparison to the overall length of the proceedings.

3. *Conduct of the judicial authorities and what was at stake for the applicant*

34. The Government claimed that no period of inactivity was attributable to the courts. As to what was at stake for the applicant, they pointed out that, although criminal proceedings were pending against the applicant, he was not detained on remand.

The applicant contested these arguments.

35. The Court observes that the District Court held the first hearing only on 15 January 1997 whereas the bill of indictment had been preferred as far back as 22 December 1995. This period of inactivity lasting more than one year has not been explained and must be considered attributable to the State. Although hearings were thereafter scheduled within regular intervals, the Court considers that the domestic courts have not utilised the time available to them to speed up the proceedings with a view to bringing the case to an end as soon as possible. It cannot but be noted that eight years and nine months have elapsed without the courts being able to deliver a judgment.

36. The foregoing considerations are sufficient to enable the Court to conclude that the applicant's case was not heard within a reasonable time. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

37. 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.”

38. When submitting his application, the applicant claimed compensation for non-pecuniary damage in general terms. Although repeatedly requested to do so, he did not subsequently provide any particulars of his claim, as required by Rule 60 of the Rules of Court. By letter dated 7 February 2004, and long after the close of pleadings in the case, the applicant finally informed the Registry that he requested the Court, *inter alia*, “to award [him] 500,000 euros advance payment for my damages to me by the Hungarian Government.”

39. In these circumstances, the Court makes no award under Article 41.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
2. *Dismisses* the applicant's claim for just satisfaction.

Done in English, and notified in writing on 9 March 2004, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ
Registrar

J.-P. COSTA
President