



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

SECOND SECTION

CASE OF SZIKORA v. HUNGARY

(Application no. 28441/02)

JUDGMENT

STRASBOURG

22 November 2005

FINAL

22/02/2006

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 Szikora 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 R. TÜRMEŒ,

Mr K. JUNGWIERT,

Mr M. UGREKHELIDZE,

Ms D. JOČIENĚ,

Mr D. POPOVIĆ, *judges*,

and Mrs S. DOLLĚ, *Section Registrar*,

Having deliberated in private on 3 November 2005,

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

PROCEDURE

1. The case originated in an application (no. 28441/02) 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 Ferenc Szikora (“the applicant”), on 11 October 2001.

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

3. On 8 April 2005 the Court decided to communicate the application. Applying Article 29 § 3 of the Convention, it decided to rule on the admissibility and merits of the application at the same time.

THE FACTS**THE CIRCUMSTANCES OF THE CASE**

4. The applicant was born in 1928 and lives in Budapest.

5. On 29 January 1996 the applicant brought an action against several respondents, claiming fees for the use of garages owned by him. Some defendants brought counterclaims against the applicant, claiming that they had made payments for the use of certain garages in respect of which their ownership was later established by court decisions.

6. The Buda Central District Court held hearings on 27 June and 13 December 1996, as well as on 10 and 28 February 1997. On 10 June 1997 an expert was appointed.

Further hearings took place on 11 July and 7 November 1997.

7. On 19 November 1997 the District Court dismissed the applicant's action and ordered him to pay the claimed amounts to the respondents.

8. On appeal, on 24 February 1999 the Budapest Regional Court held a hearing. On 14 May 1999 it partly changed the first-instance judgment and reduced the amount payable by the applicant.

9. On 26 July 1999 the applicant filed a petition for a review by the Supreme Court. On 20 and 21 October 1999 the respondents filed their observations in reply. The applicant submitted a reply on 8 December 1999.

10. On 28 June 2001 the Supreme Court upheld the Regional Court's decision. This decision was served on the applicant on 3 September 2001.

THE LAW

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

11. The applicant complained that the length of the proceedings had been incompatible with the "reasonable time" requirement of Article 6 § 1 of the Convention, which insofar as relevant reads as follows:

"In the determination of his civil rights and obligations ..., everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal..."

12. The Government contested that argument.

13. The period to be taken into consideration began on 29 January 1996 and ended on 3 September 2001 with the service of the Supreme Court's decision. It thus lasted five years and seven months for three levels of jurisdiction.

A. Admissibility

14. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

15. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake

for the applicant in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

16. The Court has frequently found violations of Article 6 § 1 of the Convention in cases raising issues similar to the one in the present case (see *Frydlender*, cited above).

17. Having examined all the material submitted to it, the Court considers that the case was not particularly complex. Moreover, it notes two periods of inactivity on the part of the domestic courts: The first lasted some 15 months before an appeal hearing was held by the Budapest Regional Court (paragraphs 7 and 8 above), and the second exceeded one and a half years before the Supreme Court (paragraphs 9 and 10 above). Having regard to its case-law on the subject, the Court finds that the length of the proceedings in the instant case was excessive and failed to meet the “reasonable time” requirement.

There has accordingly been a breach of Article 6 § 1.

II. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

18. Relying on Article 6 of the Convention and Article 1 of Protocol No. 1, the applicant also complained of the outcome of the proceedings.

19. In so far as the applicant’s complaint may be understood to concern the domestic courts’ assessment of the evidence and the result of the proceedings, the Court reiterates that, according to Article 19 of the Convention, its duty is to ensure the observance of the engagements undertaken by the Contracting Parties to the Convention. In particular, it is not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention. Moreover, while Article 6 of the Convention guarantees the right to a fair hearing, it does not lay down any rules on the admissibility of evidence or the way it should be assessed, which are therefore primarily matters for regulation by national law and the national courts (*García Ruiz v. Spain* [GC], no. 30544/96, § 28, ECHR 1999-I).

20. In the circumstances, there is nothing in the case-file indicating that the courts lacked impartiality or that the proceedings were otherwise unfair. Moreover, in the absence of any arbitrariness, the domestic courts’ decisions adjudicating a civil-law dispute between private parties do not amount to an interference with an applicant’s rights under Article 1 of Protocol No. 1.

21. It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 and must be rejected pursuant to Article 35 § 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

22. 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

23. The applicant claimed compensation for the non-pecuniary damage he suffered for an amount to be determined by the Court in accordance with its case-law.

24. The Government did not express an opinion on the matter.

25. The Court considers that the applicant must have sustained some non-pecuniary damage. Ruling on an equitable basis, it awards him 1,200 euros.

B. Costs and expenses

26. The applicant made no claim under this head.

C. Default interest

27. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the complaint concerning the excessive length of the proceedings admissible and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *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, EUR 1,200 (one thousand two hundred euros) in respect of non-pecuniary damage, to be converted into the

national currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable;

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

Done in English, and notified in writing on 22 November 2005, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ
Registrar

J.-P. COSTA
President