



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

SECOND SECTION

**CASE OF SZOBOSZLAY v. HUNGARY**

*(Application no. 16348/02)*

JUDGMENT

STRASBOURG

22 November 2005

**FINAL**

***12/04/2006***

*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 Szoboszlai 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:

**Commented [Note1]:** Indicate only the date(s) of the deliberations of the Chamber which actually adopts the judgment.

**PROCEDURE**

1. The case originated in an application (no. 16348/02) 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 István Szoboszlai (“the applicant”), on 21 September 2001.

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

3. On 25 August 2004 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**

**Commented [Note2]:** This title must not be removed.

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

5. In 1990 the applicant hired two individuals to construct a well for him. Since they had not completed the work in due time, in December 1990 he brought an action with a view to obliging them to complete the job. In the alternative, he claimed damages.

6. In response to the applicant’s motion for bias, the Supreme Court appointed the Mezőkövesd District Court to hear the case. After having held several hearings and obtained the opinion of an expert, on 27 September 1994 this court dismissed the applicant’s action.

7. In pursuit of the applicant's repeated motion for bias, the Supreme Court appointed the Hajdú-Bihar County Regional Court to deal with his appeal. On 11 October 1995 that court quashed the District Court's decision and remitted the case.

8. On 11 June 1996 the Supreme Court appointed the Debrecen District Court to hear the case in the resumed proceedings. After having held several hearings and obtained the supplementary opinion of an expert, on 7 October 1998 that court dismissed the applicant's action.

9. On 9 June 1999 the Regional Court quashed this decision and, again, remitted the case.

10. In the resumed proceedings, the Debrecen District Court held several hearings and obtained the opinion of another expert. It heard several witnesses and the expert. On 18 December 2000 it dismissed the applicant's action.

11. On 21 March 2001 the Regional Court dismissed the applicant's appeal.

12. On 19 June 2001 the Supreme Court refused the applicant leave to seek a review, in accordance with section 271 § 3 of the Code of Civil Procedure, given that the amount of the claim fell below the threshold requirements for leave to be considered.

## THE LAW

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

13. The applicant complained that the length of the proceedings had been incompatible with the "reasonable time" requirement, provided in Article 6 § 1 of the Convention, which 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..."

14. The Government contested that argument.

15. The proceedings commenced in December 1990. The period to be taken into consideration began only on 5 November 1992, when the recognition by Hungary of the right of individual petition took effect. However, in assessing the reasonableness of the time that elapsed after that date, account must be taken of the state of proceedings at that point. It ended on 19 June 2001, thus lasting eight years and seven months for three levels of jurisdiction, after having been pending for nearly two years beforehand.

### A. Admissibility

16. The Court notes that the application 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

17. 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).

18. 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).

19. Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or convincing argument capable of persuading it to reach a different conclusion in the present case. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the “reasonable time” requirement.

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

## II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

20. 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

21. The applicant claimed 602,531 Hungarian forints (HUF) plus accrued interest in respect of pecuniary damage, and HUF 100,000 in respect of non-pecuniary damage.

22. The Government argued that the pecuniary damage alleged was unrelated to the violation complained of, but found the claim for non-pecuniary damage reasonable.

23. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. However, it considers that the applicant must have sustained non-pecuniary damage and that it should award the full sum claimed under this head – 400 euros (the approximate equivalent of HUF 100,000).

**B. Costs and expenses**

24. The applicant made no claim under this head.

**C. Default interest**

25. 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 application admissible;
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 400 (four hundred euros) in respect of non-pecuniary damage, plus any tax that may be chargeable, to be converted into the currency of the respondent State at the rate applicable on the date of settlement;
  - (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;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

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