



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

SECOND SECTION

**CASE OF KRISTÓF v. HUNGARY**

*(Application no. 23992/02)*

JUDGMENT

STRASBOURG

11 April 2006

**FINAL**

*11/07/2006*

*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 Kristóf 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. TÜRMEK,

Mr K. JUNGWIERT,

Mr V. BUTKEVYCH,

Mr M. UGREKHEDIDZE,

Mrs A. MULARONI, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 21 March 2006,

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

**PROCEDURE**

1. The case originated in an application (no. 23992/02) 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 Gyula Kristóf ("the applicant"), on 31 July 2000.

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

3. On 16 June 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**

4. The applicant was born in 1938 and lives in Makó.

5. On 8 October 1993 the applicant's ex-wife brought an action in trespass against him in the Budapest XVIII/XIX District Court, in the context of a dispute concerning the use of the divorced couple's flat.

6. On 21 December 1993 and 5 April 1994 this court held hearings.

7. On 28 February 1996 the court instructed the plaintiff to submit better particulars of her claims.

8. On 19 March 1997 the case was transferred to the Makó District Court for reasons of competence. On 9 and 23 September 1997 the court held hearings. After a short stay of the proceedings, a further hearing was held on 16 December 1997, which the plaintiff did not attend. After another

stay, hearings took place on 5 May and 25 June 1998. On 7 July 1998 the plaintiff submitted additional particulars of her claims.

9. The court held hearings on 29 September, 22 October 1998, 15 July, 16 and 23 September 1999. On that day the court gave judgment, partly finding for the plaintiff. It ordered the applicant to pay compensation to the plaintiff in the amount of 67,592 Hungarian forints (HUF) plus accrued interest. The court held that the subject matter of the case was the settlement of scores concerning the division of the matrimonial property.

10. On appeal, on 26 January 2000 the Csongrád County Regional Court upheld this decision.

11. On 31 May 2000 the Supreme Court rejected as inadmissible the applicant's petition for review, without examining it on the merits, since the disputed amount fell below the statutory threshold of HUF 500,000, under which no review lay against second-instance decisions.

## THE LAW

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

12. 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..."

13. The Government contested that argument.

14. The period to be taken into consideration began on 8 October 1993 and ended on 31 May 2000. It thus lasted almost six years and eight months for three levels of jurisdiction.

#### A. Admissibility

15. 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

16. 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).

17. 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).

18. 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. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

19. The applicant also complained that the domestic courts’ decisions were wrong and that the Supreme Court’s refusal to examine his petition for review amounted to a denial of an effective remedy. He relies on Articles 6 § 1 and 13 of the Convention.

20. In so far as the applicant’s complaint may be understood to concern the assessment of the evidence and the result of the proceedings before the domestic courts, 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). In the present case, the Court finds that there is nothing in the case-file indicating that the courts lacked impartiality or that the proceedings were otherwise unfair.

21. Moreover, the Court observes that the District Court’s decision on the applicant’s case was reviewed on the merits by the Regional Court. For the Court, the mere fact that the Regional Court’s final decision was not susceptible to a Supreme Court review *ratione valoris* does not disclose any appearance of a violation of the applicant’s Article 13 rights.

22. 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

23. 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

24. The applicant claimed altogether HUF 12,135,000<sup>1</sup> in respect of pecuniary and non-pecuniary damage.

25. The Government contested these claims.

26. 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 suffered some non-pecuniary damage. Ruling on an equitable basis, it awards him 2,500 euros (EUR) under that head.

#### B. Costs and expenses

27. The applicant made no claim under this head.

#### C. Default interest

28. 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

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<sup>1</sup> 48,400 euros

Article 44 § 2 of the Convention, EUR 2,500 (two thousand five 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;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 11 April 2006, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ  
Registrar

J.-P. COSTA  
President