



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

SECOND SECTION

CASE OF MÁRTA v. HUNGARY

(Application no. 42542/04)

JUDGMENT

STRASBOURG

29 April 2008

FINAL

29/07/2008

This judgment may be subject to editorial revision.

In the case of Márta v. Hungary,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Antonella Mularoni, *President*,

Rıza Türmen,

Vladimiro Zagrebelsky,

Danutė Jočienė,

Dragoljub Popović,

András Sajó,

Nona Tsotsoria, *judges*,

and Sally Dollé, *Section Registrar*,

Having deliberated in private on 1 April 2008,

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

PROCEDURE

1. The case originated in an application (no. 42542/04) 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 Péter Márta (“the applicant”), on 5 October 2004.

2. The applicant was represented by Mr R. Horváth, a lawyer practising in Kiskunhalas. The Hungarian Government (“the Government”) were represented by Mr L. Hóltzl, Agent, Ministry of Justice and Law Enforcement.

3. On 5 December 2007 the Court decided to give notice of the application to the Government. 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 1955 and lives in Kiskunhalas.

5. In July 1995 the applicant, together with six other individuals, filed a criminal report against Mr C., accusing him of fraud. In the ensuing criminal proceedings, the applicant, acting as a civil party, pursued compensation claims.

6. Until the termination of the investigations on 13 August 1996, 51 witnesses were heard and several items of physical evidence were collected.

7. A bill of indictment was preferred on 3 March 1997. The defendants, of whom by then there were eight, were charged with twenty-nine counts of fraud. On 14 January 1999 the President of the Kecskemét District Court gave the case priority.

8. After 45 hearings, on 13 April 2005 the District Court gave judgment. It convicted, *inter alia*, Mr C. and obliged him to pay the applicant, one of the eleven civil parties in the case by then, three million Hungarian forints in compensation. The judgment was served on 18 June and became final on 27 June 2005. However, since Mr C. had meanwhile become insolvent, the applicant could not recover the damage he had sustained.

THE LAW

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

9. The applicant complained that the length of the criminal proceedings – in which compensation claims he had submitted as a civil party were determined – had been incompatible with the “reasonable time” requirement of 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...”

10. The Government contested that argument.

11. The period to be taken into consideration began in July 1995 and ended on 27 June 2005. It thus lasted nearly ten years for one level of jurisdiction.

A. Admissibility

12. 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

13. 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).

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

15. 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 circumstances. Having regard to its case-law on the subject, the Court considers that 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

16. 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

17. The applicant claimed 19,157,000 Hungarian forints¹ in respect of pecuniary and non-pecuniary damage.

18. The Government contested the claim.

19. 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 some non-pecuniary damage. Ruling on an equitable basis, it awards him EUR 11,200 under that head.

B. Costs and expenses

20. The applicant made no costs claim.

¹ 72,535 euros (EUR)

C. Default interest

21. 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 11,200 (eleven thousand two hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into Hungarian forints at the rate applicable at 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 29 April 2008, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Sally Dollé
Registrar

Antonella Mularoni
President