



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

SECOND SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 41664/06
by Éva Mária GEDA
against Hungary

The European Court of Human Rights (Second Section), sitting on 8 June 2010 as a Chamber composed of:

Françoise Tulkens, *President*,

Danutė Jočienė,

Dragoljub Popović,

András Sajó,

Nona Tsotsoria,

Kristina Pardalos,

Guido Raimondi, *judges*,

and Sally Dollé, *Section Registrar*,

Having regard to the above application lodged on 8 September 2006,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Éva Mária Geda, is a Hungarian national who was born in 1954 and lives in Kazár. The Hungarian Government (“the Government”) were represented by Mr L. Hóltzl, Agent, Ministry of Justice.

The facts of the case, as submitted by the parties, may be summarised as follows.

On 2 November 2001 criminal proceedings were instituted against the applicant and other defendants on charges of smuggling persons. On 11 July 2003 the Salgótarján District Public Prosecutor's Office preferred a bill of indictment. Hearings took place on 27 November 2003, 24 February and 23 November 2004, 29 March and 28 September 2005.

On 6 October 2005 the Salgótarján District Court convicted the applicant of complicity in 27 counts of smuggling persons and 27 counts of violating personal liberty. The District Court appreciated the length of the time which had elapsed from the commission of the crimes as a significant mitigating factor. Because of this, it sentenced the applicant to only two years' imprisonment, suspended for a probationary period of five years, and to the confiscation of property in the amount of 150,000 Hungarian forints¹.

On 8 May 2006 the Nógrád County Regional Court upheld this judgment. Also appreciating the protraction of the proceedings, the Regional Court reduced the probationary period to three years.

COMPLAINT

The applicant complained under Article 6 § 1 of the Convention about the length of the proceedings.

THE LAW

The applicant complained that the proceedings lasted an unreasonably long time, in breach of Article 6 § 1 of the Convention, which reads as relevant:

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

The Government argued that the applicant could not claim to be a victim of a violation of Convention rights, since the domestic courts had expressly acknowledged that the proceedings had been unusually long and had provided redress by imposing a light sentence, by suspending its execution and by limiting the length of the probationary period. In any event, the authorities had displayed the requisite diligence in handling the case which had been rather complicated. The applicant contested these views.

The Court observes that the courts trying the applicant denounced the duration of the proceedings and held that the excessive lapse of time since the offence had been committed was an important mitigating factor.

¹ 540 euros

Because of this, they imposed a relatively light prison sentence of two years, suspended its execution and limited the probationary period to three years. Against this background, the Court finds that the applicant obtained adequate redress for the alleged violation of her right under Article 6 § 1 of the Convention to the determination within a reasonable time of the criminal charges against her. Accordingly, she can no longer claim to be a victim, for the purposes of Article 34 of the Convention, of a violation of Article 6 § 1.

This complaint is therefore manifestly ill-founded within the meaning of Article 35 § 3 and must be rejected pursuant to Article 35 § 4 of the Convention (see *Morby v. Luxembourg* (dec.), no. 27156/02, ECHR 2003-XI; *Kalmár v. Hungary*, no. 32783/03, § 27, 3 October 2006; *Dányádi v. Hungary* (dec.), no. 10656/03, 6 July 2006; *Tamás Kovács v. Hungary*, no. 67660/01, § 26, 28 September 2004; *Lie and Berntsen v. Norway* (dec.), no. 25130/94, 16 December 1999).

For these reasons, the Court unanimously

Declares the application inadmissible.

Sally Dollé
Registrar

Françoise Tulkens
President