



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

SECOND SECTION

CASE OF BRUNNER v. HUNGARY

(Application no. 60992/12)

JUDGMENT

STRASBOURG

22 April 2014

This judgment is final but it may be subject to editorial revision.

In the case of Brunner v. Hungary,

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

Helen Keller, *President*,

András Sajó,

Egidijus Kūris, *judges*,

and Stanley Naismith, *Section Registrar*,

Having deliberated in private on 25 March 2014,

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

PROCEDURE

1. The case originated in an application (no. 60992/12) 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 Brunner (“the applicant”), on 17 September 2012.

2. The applicant was represented by Mr R. Fridman, a lawyer practising in Budapest. The Hungarian Government (“the Government”) were represented by Mr Z. Tallódi, Agent, Ministry of Public Administration and Justice.

3. On 11 October 2012 the application was communicated to the Government.

THE FACTS**THE CIRCUMSTANCES OF THE CASE**

4. The applicant was born in 1961 and lives in Szigetszentmiklós.

5. On 20 June 2003 the applicant was indicted for fraud.

6. On 15 December 2010 he was acquitted by the Budapest Regional Court.

7. On 20 June 2012 the Debrecen Court of Appeal confirmed the applicant’s acquittal.

THE LAW

8. The applicant complained that the length of the proceedings had been incompatible with the “reasonable time” requirement of Article 6 § 1 of the Convention.

9. The Government contested that argument.

10. The period to be taken into consideration began on 20 June 2003 and ended on 20 June 2012. It thus lasted nine years for two levels of jurisdiction.

In view of such lengthy proceedings, this complaint must be declared admissible.

11. 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, among many other authorities, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II).

12. 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.

13. Relying on Article 41 of the Convention, the applicant claimed 10,000 euros (EUR) in respect of non-pecuniary damage, pecuniary damage and costs combined.

The Government contested the claims.

14. The Court finds no causal link between the violation found and the pecuniary damage claimed; it therefore rejects this claim. However, it considers that the applicant must have sustained some non-pecuniary damage. Ruling on the basis of equity, it awards him EUR 3,600 under that head.

Moreover, regard being had to the documents in its possession and to its case-law, the Court considers it reasonable to award the applicant, who was represented by a lawyer, the sum of EUR 1,000 for the costs and expenses incurred.

15. The Court considers it appropriate that the default interest rate 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, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts 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 April 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith
Registrar

Helen Keller
President