

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

FIRST SECTION

CASE OF KODELA AND OTHERS v. HUNGARY

(Applications nos. 30000/21 and 9 others – see appended list)

JUDGMENT

STRASBOURG

15 September 2022

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Kodela and Others v. Hungary,

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

Krzysztof Wojtyczek*, President,*
Erik Wennerström*,*
Lorraine Schembri Orland*, judges,*
and Attila Teplán, *Acting Deputy Section Registrar,*

Having deliberated in private on 25 August 2022,

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

PROCEDURE

1. The case originated in applications against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on the various dates indicated in the appended table.

2. The Hungarian Government ("the Government") were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of criminal proceedings. Some applicants also raised other complaints under the provisions of the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

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

6. The applicants complained principally that the length of the criminal proceedings in question had been incompatible with the "reasonable time" requirement. They relied on Article 6 § 1 of the Convention, which reads as follows:

Article 6 § 1

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

7. 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 applicants and the relevant authorities and what was at stake for the applicants in the dispute (see, among many other authorities, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II, and *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

8. In the leading case of *Barta and Drajkó v. Hungary,* no. 35729/12, 17 December 2013 the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. 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.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. Some applicants submitted other complaints which raised issues under Article 13 of the Convention, given the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in *Barta and Drajkó* (cited above, §§ 25-26).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. 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."

13. Regard being had to the documents in its possession and to its case-law, the Court finds it reasonable to award the sums indicated in the appended table.

14. 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. *Decides* to join the applications;

2. *Declares* the applications admissible;

3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings;

4. *Holds* that there has been a violation of the Convention as regards the other complaints raised under well-established case-law of the Court (see appended table);

5. *Holds*
   (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State 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 amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 15 September 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Attila Teplán Acting Deputy Registrar	Krzysztof Wojtyczek President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(excessive length of criminal proceedings)

No.	Application no. Date of introduction	Applicant's name Year of birth/registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1.	30000/21 01/06/2021	**László KODELA** 1957	Kodela Viktor Budapest	10/10/2012	16/09/2021	8 year(s) and 11 month(s) and 7 day(s) 3 level(s) of jurisdiction		3,900
2.	39120/21 26/07/2021	**VASS CONSULTING KFT** 2002		11/02/2010	pending	More than 12 year(s) and 4 month(s) and 5 day(s) 4 level(s) of jurisdiction		3,900
3.	42915/21 16/08/2021	**László TÓTH** 1964	Bieber Ivóna Budapest	24/01/2006	pending	More than 16 year(s) and 4 month(s) and 23 day(s) 2 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	10,000
4.	50967/21 04/10/2021	**György WÉHMAN** 1986	Kiss Dániel Bálint Budapest	29/05/2018	15/02/2022	3 year(s) and 8 month(s) and 18 day(s) 1 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings	2,600
5.	51057/21 01/10/2021	**Attila NÉMETH** 1978	Kiss Dániel Bálint Budapest	31/07/2018	pending	More than 3 year(s) and 10 month(s) and 16 day(s) 2 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings	1,600

[1] Plus any tax that may be chargeable to the applicants.

No.	Application no. Date of introduction	Applicant's name Year of birth/registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
6.	53009/21 19/10/2021	**Elemér Kálmán KISS** 1944	Kiss Dániel Bálint Budapest	26/05/2014	16/09/2021	7 year(s) and 3 month(s) and 22 day(s) 3 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings	2,000
7.	54980/21 11/10/2021	**Ferenc ARNOLD** 1971	Kiss Dániel Bálint Budapest	10/05/2018	pending	More than 4 year(s) and 1 month(s) and 6 day(s) 1 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings	2,600
8.	58686/21 26/11/2021	**Tibor Zoltán MALKOVICS** 1967	Bihari István Budapest	04/05/2010	pending	More than 12 year(s) and 1 month(s) and 12 day(s) 1 level(s) of jurisdiction		8,200
9.	59358/21 18/11/2021	**Norbert László HEVÉR** 1982	Kiss Dániel Bálint Budapest	16/10/2018	pending	More than 3 year(s) and 8 month(s) 1 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings	2,600
10.	60142/21 26/11/2021	**Éva NYIRÁN** 1984	Bihari István Budapest	04/05/2010	pending	More than 12 year(s) and 1 month(s) and 12 day(s) 1 level(s) of jurisdiction		8,200