

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

SECOND SECTION

DECISION

Application no. 57095/08
György GERGELY and Others
against Hungary

The European Court of Human Rights (Second Section), sitting on 13 December 2011 as a Committee composed of:
Dragoljub Popović, *President,*
András Sajó,
Paulo Pinto de Albuquerque, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*
Having regard to the above application lodged on 18 November 2008,
Having regard to the formal declarations accepting a friendly settlement of the case,
Having deliberated, decides as follows:

PROCEDURE

The applicants, Mr György Gergely, Mrs Ibolya Hősné Márkus and Mr Géza Junász, are Hungarian nationals who were born in 1972, 1966 and 1965 respectively and live in Budapest, Budaörs and Budapest respectively.

They were represented before the Court by Mr R. Kovács, a lawyer practising in Budapest. The Hungarian Government ("the Government") were represented by Mr L. Höltzl, Agent, Ministry of Public Administration and Justice.

The applicants complained under Article 6 § 1 of the Convention about the length of criminal proceedings conducted against them.

On 30 September and 21 October 2011 the Court received friendly settlement declarations signed by the parties under which the applicants

agreed to waive any further claims against Hungary in respect of the facts giving rise to this application against an undertaking by the Government to pay them each EUR 11,200 (eleven thousand two hundred euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Hungarian forints at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. This amount will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Françoise Elens-Passos
Deputy Registrar

Dragoljub Popović
President