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

FIRST SECTION

DECISION

Application no. 1615/21
Tibor KLEMENT
against Hungary
(see appended table)

The European Court of Human Rights (First Section), sitting on 20 January 2022 as a Committee composed of:

Alena Poláčková, *President,*
Raffaele Sabato,
Davor Derenčinović, *judges,*

and Attila Teplán, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 28 December 2020,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant's reply to this declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings were communicated to the Hungarian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

After unsuccessful friendly-settlement negotiations, the Government submitted a declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application.

The Government acknowledged the excessive length of criminal proceedings. They further acknowledged that the domestic authorities had violated the applicant's rights guaranteed by other provisions of the Convention. They offered to pay the applicant the amount detailed in the appended table and invited the Court to strike the application out of the list

of cases in accordance with Article 37 § 1 (c) of the Convention. The amount would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, from the 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 applicant informed the Court that he agreed to the terms of the declaration.

THE LAW

The Court finds that, following the applicant's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties.

It therefore 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 the Protocols thereto and finds no reasons to justify the continued examination of the application.

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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 10 February 2022.

Attila Teplán Acting Deputy Registrar	Alena Poláčková President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1615/21 28/12/2020	**Tibor KLEMENT** 1955	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of criminal proceedings	12/11/2021	29/11/2021	2,600

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