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

FOURTH SECTION

DECISION

Application no. 60989/12
András LENDVAY
against Hungary

The European Court of Human Rights (Fourth Section), sitting on 28 November 2017 as a Committee composed of:

Faris Vehabović, *President,*
Carlo Ranzoni,
Péter Paczolay, *judges,*

and Andrea Tamietti, *Deputy Section Registrar,*

Having regard to the above application lodged on 21 September 2012,

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

1. The applicant, Mr András Lendvay, is a Hungarian national, who was born in 1960 and lives in Budapest. He was represented before the Court by Mr L. Nagy, a lawyer practising in Nürnberg.

2. The Hungarian Government ("the Government") were represented by their Agent, Mr Z. Tallódi, Agent, Ministry of Justice.

The circumstances of the case

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

4. Between 20 February 2003 and 10 June 2015 the applicant was being prosecuted for forgery of stamps and other offences.

5. After a remittal, on 19 December 2013 the Eger High Court convicted the applicant of forgery of stamps, attempted fraud and numerous counts of

use of falsified documents. In passing a sentence of two years' imprisonment, executable, the High Court acknowledged the protraction of time and took it into account as an important mitigating factor.

6. On appeal, on 10 June 2015 the Debrecen Court of Appeal reduced the sentence to a suspended prison term of one year and eight months. This court also took into account the excessive length of the case as a very important mitigating factor.

COMPLAINT

7. The applicant complained under Articles 6 and 13 of the Convention about the length of the proceedings.

THE LAW

8. The applicant complained that the criminal proceedings conducted against him lasted more than twelve years and three months for two levels of jurisdiction and thus exceeded a reasonable time within the meaning of Article 6 § 1 of the Convention. According to the applicant, there was no remedy available against this protraction, in violation of Article 13.

9. The Government submitted that the applicant was no longer a victim of the alleged violations since the courts had provided redress for the grievance. The applicant disagreed.

10. The Court notes that the both courts acknowledged the undue length of the proceedings and provided redress by taking this element into account as an important mitigating factor and imposing a lenient sentence (see, *a contrario*, *Jensen v. Denmark* (dec.), no. 48470/99, 20 September 2001). Consequently, the applicant is no longer a victim of the alleged violation of Article 6, for the purposes of Article 34 of the Convention.

11. It follows that this complaint is incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected, pursuant to Article 35 § 4 of the Convention.

12. Furthermore, in the absence of an arguable claim of a violation of Article 6, the applicant's complaint under Article 13 is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected, pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 21 December 2017.

Andrea Tamietti
Deputy Registrar

Faris Vehabović
President