AS TO THE ADMISSIBILITY OF

Application No. 23209/94
by György TÍMÁR
against Hungary

Application No. 27313/95
by György TÍMÁR
against Hungary

The European Commission of Human Rights sitting in private on 13 January 1997, the following members being present:

Mr. S. TRECHSEL, President
Mrs. J. LIDDY
MM. E. BUSUTTIL
G. JÖRUNDSSON
A.S. GÖZÜBÜYÜK
A. WEITZEL
H. DANELIUS
F. MARTINEZ
L. LOUCAIDES
J.-C. GEUS
M.A. NOWICKI
I. CABRAL BARRETO
B. CONFORTI
N. BRATZA
I. BÉKÉS
J. MUCHA
D. SVÁBY
G. RESS
A. PERENIC
C. BÎRSAN
P. LORENZEN
K. HERNDL
E. BIELIUNAS
E.A. ALKEMA
M. VILA AMIGÓ
Mrs. M. HION

Mr. H.C. KRÜGER, Secretary to the Commission

Having regard to:

- Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

- the application introduced on 8 September 1993 and registered on 7 January 1994 under file No. 23209/94 as well as the application introduced on 8 March 1995 and registered on 5 July 1995 under file No. 27313/95 by György TÍMÁR against Hungary;

- the reports provided for in Rule 47 of the Rules of Procedure of the Commission;

- the observations submitted by the respondent Government, after an extension of the time-limit, on 30 June 1994 and their further submissions of 1 December 1994 and 15 June 1995; the observations in reply submitted by the applicant on 17 October and his further comments of 27 December 1994, 13 April, 7 and 20 July as well as of 2 August 1995;

- the Commission's decision of 27 November 1995 to invite the parties to submit supplementary observations which should also cover the question of the length of the proceedings;

- the Government's supplementary observations of 13 February 1996, received after an extension of the time-limit, as well as their further submissions of 10 September 1996; and the applicant's further submissions of 20 December 1995, 20 January, 5 March and 1 October 1996;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is a Hungarian citizen born in 1937. He is a lawyer by profession.

A. The particular circumstances of the case

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

I. Background

On 18 November 1965 the Capital Court (Fovárosi Bíróság), in the context of criminal proceedings which had some political connotations, convicted the applicant of espionage and sentenced him to six and a half years' imprisonment. The Court also ordered the confiscation of the applicant's property. On 23 February 1966 the Hungarian Supreme Court (Legfelsobb Bíróság), upon the applicant's appeal, amended the first instance court judgment in that the criminal offence was qualified as attempted sedition, and the prison term was reduced to five years. The remainder of the appeal was dismissed.

Subsequently the applicant served his sentence. His property, namely his real property comprising a villa of 185 square metres on 632 square metres of land near Lake Balaton, as well as his car and his money in a bank, were confiscated. The local authorities later divided the villa in question into four flats, and sold three of these flats to private persons who still live there.

On 25 October 1989 the Attorney General (Legfobb Ugyész) lodged an appeal on legal grounds (törvényességi óvás) with the Supreme Court against the judgments of 1965 and 1966, and proposed that the applicant's conviction be quashed and the applicant be acquitted. On 12 December 1989 the Supreme Court declared that the applicant's conviction was unlawful and acquitted him.

II. Proceedings for restitution of property and compensation under the Code of Criminal Procedure

a. Institution of the proceedings

On 6 February 1990 the applicant, in view of his acquittal by the Supreme Court, instituted proceedings before the Capital Court, claiming restitution of his property, pursuant to S. 386 of the Hungarian Code of Criminal Procedure (1973.évi I. törvény a Büntetoeljárásról). He further claimed compensation as a former victim of a miscarriage of justice, pursuant to SS. 383 to 385 of the Code of Criminal Procedure, i.e. the loss of income during his detention as well as for the period after his release until he could find employment as lawyer in 1990, and, globally, compensation for all consequences of the criminal proceedings against him. In these and the following proceedings, the applicant was represented by counsel.

b. Further course of the restitution proceedings

Between September 1990 and February 1992 the Capital Court held several hearings. Moreover, taking into account that both the confiscated car and the real property had been sold in the past and that, therefore, restitution thereof was excluded and only compensation was possible, the Court took expert evidence as to the value of the car and the real property. The Technical Institute of Judicial Experts (Igazságügyi Muszaki Szakértoi Intézet), an institute run by the State, was appointed and its employees prepared the opinion in question.

On 24 February 1992 the Capital Court, following a further hearing, gave its decision (végzés) in the case. The applicant was awarded an amount of 50,000 Hungarian Forint, i.e. the price at which his confiscated car had been sold, and a further amount of 6,200,000 Hungarian Forints (37,000 FF) as compensation for all his losses. The remainder of his action was dismissed.

The applicant lodged an appeal with the Supreme Court, claiming a considerable increase in the award of compensation.

On 10 December 1992 the Supreme Court, without holding a hearing, sitting in private, dismissed the applicant's appeal.

By letter of 12 February 1993, the Attorney General, upon his request to institute proceedings for review of the Supreme Court's decision, informed the applicant that restitution proceedings were governed by the Code of Criminal Procedure, as amended in 1992, which excluded proceedings for review in his case. The Attorney General also observed that a request for review in civil proceedings could only be submitted in respect of civil court decisions.

On 19 February 1993 the applicant, referring to Law LXVIII of 1992 (1992.évi LXVIII törvény) and to Law LXIX of 1992 (1992.évi LXIX törvény), lodged a petition for review (felülvizsgálati kérelem) with the Supreme Court, complaining of the Capital Court's decision, as well as of the second instance decision taken by the Supreme Court.

On 22 June 1993 the Supreme Court, sitting in private, refused his petition for review of the case. The Supreme Court, referring to S. 284 para. 1 and S. 284/A para. 2 of the Code of Criminal Procedure, found that no review existed regarding decisions of the present kind.

On 5 April 1995 the Hungarian Constitutional Court (Alkotmánybíróság), upon inter alia the applicant's complaint, held that the procedural rules assigning restitution cases to the criminal courts and excluding a review by the Supreme Court amounted to arbitrary discrimination. The Constitutional Court amended the said rules to the effect that the files should be forwarded to the civil courts with a view to conducting the proceedings. It also decided that the applicant should be entitled to institute civil review proceedings with the Supreme Court in his case.

The applicant's petition for review dated 8 April 1995 was received at the Supreme Court on 10 April 1995. He filed further submissions on 10 and 13 May 1995.

On 19 October 1995 the Supreme Court rejected the applicant's renewed petition for review. The Supreme Court noted the background of the applicant's case, i.e. his conviction in 1965/66 and his acquittal in 1989, as well as the course of the restitution proceedings, inter alia the fact, that it had rejected the applicant's previous petition for review regarding the matter in June 1993. The Supreme Court observed that, according to S. 284/A (5) of the Code of Criminal Procedure, any person is entitled to lodge a petition for review once only. Thus, pursuant to S. 287/B of the Code of Criminal Procedure, it had to reject any further petition for review brought by the same person.

On 12 February 1996 the Constitutional Court dismissed the applicant's further constitutional complaint. The Constitutional Court considered that the applicant's submissions did not raise any questions of constitutionality within the meaning of the relevant provisions of the Constitutional Court Act (1989.évi XXXIII törvény), but were limited to complaining that the Supreme Court had failed properly to implement the Constitutional Court's earlier decision. To the extent that the applicant, in his submissions, pursued his petition for review, the Constitutional Court referred the case to the Capital Court, competent in accordance with the civil procedure, for further action.

On 19 February 1996 the Supreme Court, implementing the above Constitutional Court decision, transferred the case files to the first instance court. On 7 March 1996 the Capital Court forwarded the files to the Supreme Court for a decision on the applicant's petition for review. These review proceedings are still pending.

c. Further course of the compensation proceedings

As regards the applicant's compensation claims, the Capital Court rendered a decision on 19 February 1993. The Capital Court awarded the applicant a sum of 4,000,000 Forints (23,000 FF) as compensation for damage suffered as a consequence of his imprisonment which had lasted forty months. In this respect, the Court proceeded from the applicant's claim of 100,000 Forints (5,900 FF) per month of imprisonment. With regard to his further claims, the Court instructed the applicant to have recourse to other legal remedies.

III. Official liability proceedings

On 29 June 1993 the applicant instituted official liability proceedings before the Capital Court, against the Capital Court, the Ministry of Justice and the Supreme Court claiming payment of a sum of 46 million Forints as compensation for damage suffered as a consequence of his unlawful conviction in 1965/66.

On 22 October 1993 the President of the Capital Court, considering that the applicant's action related to the conduct of this Court, requested the Supreme Court to assign the case to a court competent to deal with the matter. On 7 December 1993 the Supreme Court assigned the case to the Pest Regional Court (Pest Megyei Bíróság).

Following a hearing on 18 March 1994, the Pest Regional Court, upon the applicant's request, adjourned the proceedings with a view to obtaining supplementary submissions by the applicant on his claims. The applicant filed these submissions on 15 April 1994. The Court held further hearings on 25 March, 9 November and 9 December 1994 as well as on 25 January 1995.

In a judgment of 25 January 1995 the Pest Regional Court held that part of the applicant's claims were well-founded on the merits, and dismissed the remainder of the action.

On 7 December 1995 the Supreme Court, sitting as a court of second instance, held a hearing on the appeals lodged by the parties.

On 14 December 1995 the Supreme Court quashed the Regional Court's judgment, finding that the applicant's claims had to be rejected as they were in substance claims under the compensation legislation which did not fall under the primary competence of the civil courts. The Supreme Court therefore discontinued the proceedings.

On 28 June 1996 the Supreme Court dismissed the applicant's

petition for review.

B. Relevant domestic law

SS. 383 to 385 and S. 386 of the Hungarian Code of Criminal Procedure (1973. évi I.Törvény a Büntetoeljárásról), as in force at the relevant time, govern claims for compensation and for restitution of property, respectively. Compensation (kártalanítás) is granted, inter alia, for imprisonment following final court decisions, if the accused is later acquitted in proceedings on a review on legal grounds (törvényességi óvás), brought by the Attorney General under the rules in force until 31 December 1992. The amount of compensation is calculated with regard to the length of imprisonment. As regards the restitution of property (visszatérítés), S. 386 paras. 1 and 2 of the Code of Criminal Procedure provides that, if the aforesaid conditions are met, money paid by the accused by way of fine, costs or confiscation order (elkobzas alá eso értek) must be returned to him, and property confiscated must be returned or, if this is not possible, its value, following the sale of the item, must be returned. As such actions relate to court decisions on acquittal, they were, under the legislation in force at the relevant time, dealt with by the Criminal Division of the court concerned under the rules of criminal procedure.

The extraordinary remedy of a request for the Supreme Court to review a court decision was introduced on 1 January 1993, namely by Law LXVIII of 1992 (1992.évi LXVIII törvény) for civil proceedings and by Law LXIX of 1992 (1992.évi LXIX törvény) for criminal proceedings. While grounds for review in criminal cases are limited, there is no such limitation in civil cases.

COMPLAINTS

1. The applicant complains about the confiscation of his property and the court decisions on his restitution and compensation claims. He invokes Article 1 of Protocol No. 1 and Article 3 of Protocol No. 7 in these respects.

2. He further complains under Article 6 para. 1 of the Convention that he was denied a fair and public hearing in the restitution proceedings.

3. When lodging his application, the applicant also complained that, as a consequence of the different rules governing petitions for review in criminal and in civil matters, he had no effective remedy within the meaning of Article 13 of the Convention and that this situation amounted to discrimination against him contrary to Article 14 of the Convention.

4. The applicant also complains under Article 6 para. 1 of the Convention about the length of the various court proceedings instituted by him.

5. He finally considers that the Hungarian court decisions on his compensation claims are wrong and amount to discrimination against him contrary to Article 14 of the Convention. He submits inter alia that similar actions brought by other persons were dealt with more speedily and that higher amounts of compensation had been awarded.

PROCEEDINGS BEFORE THE COMMISSION

Application No. 23209/94 was introduced on 8 September 1993 and registered on 7 January 1994.

On 11 April 1994 the Commission decided to communicate this application to the respondent Government for observations on its admissibility and merits.

On 30 June 1994 the Government submitted their observations, after an extension of the time-limit. The observations in reply by the applicant were submitted on 17 October 1994. The Government filed further submissions on 1 December 1994 and 15 June 1995; the applicant on 27 December 1994, 13 April, 7 and 20 July as well as 2 August 1995.

On 27 November 1995 the Commission decided to invite the parties to submit supplementary observations on the further course of the domestic proceedings at issue, including the question of the length of the proceedings.

After an extension of the time-limit, the Government submitted their supplementary observations on 13 February 1996; and they filed further observations on 10 September 1996. The applicant's further submissions are dated 20 December 1995, 20 January and 5 March 1996.

Application No. 27313/95 was introduced on 8 March 1995 and registered on 5 July 1995.

THE LAW

1. The Commission, having regard to the similarities of the issues raised in the two applications, considers it appropriate to order their joinder under Rule 35 of its Rules of Procedure

2. The applicant's complaint under Article 1 of Protocol No. 1 (P1-1) relates to the confiscation of his property in the context of the criminal proceedings against him in 1965/66.

The Commission recalls that the Convention only governs, for each Contracting Party, facts subsequent to its entry into force with respect to that Party (cf. No. 7742/76, Dec. 4.7.78, D.R. 14, p. 146). In the present case, the confiscation complained of took place prior to 5 November 1992, which is the date of the entry into force of the Convention and of Protocol No. 1 with respect to Hungary.

It follows that the applicant's complaint under Article 1 of Protocol No. 1 (P1-1) is outside the competence ratione temporis of the Commission and therefore incompatible with the provisions of the Convention within the meaning of Article 27 para. 2 (Art. 27-2).

3. The applicant's complaint under Article 3 of Protocol No. 7 (P7-3) relates to the allegedly insufficient award of compensation.

According to Article 26 (Art. 26) of the Convention, the Commission may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law.

The Commission notes that the applicant, in a decision of the Capital Court of 19 February 1993, was granted compensation in respect of damage suffered as a consequence of his forty-month imprisonment, while his further claims were not decided upon. The applicant did not lodge an appeal against this decision. Moreover, the Commission, assuming that the applicant's restitution claims as such fall to be considered under this provision, recalls that, in this set of proceedings, review proceedings are still pending before the Supreme Court.

In these circumstances, the applicant failed to exhaust, as required under Article 26 (Art. 26), the remedies available under Hungarian law.

It follows that this complaint must be rejected under Article 27 para. 3 (Art. 27-3) of the Convention.

4. The applicant also complains that, in the proceedings regarding his claims for restitution of property confiscated in 1965, he was denied a fair hearing by the Hungarian courts, and that he did not have a public hearing before the Hungarian Supreme Court in the appeal proceedings. He invokes Article 6 (Art. 6) of the Convention.

Article 6 para. 1 (Art. 6-1), so far as relevant, provides that "in the determination of his civil rights and obligations ..., everyone is entitled to a fair and public hearing".

a. The Government submit that the Commission is not entitled to review that part of the court proceedings which relates to the period prior to 5 November 1992.

The Commission recalls that in accordance with the generally recognised rules of international law, the Convention only governs, for each Contracting Party, facts subsequent to its entry into force with regard to that Party (cf. No. 9453/81, Dec. 13.12.82, D.R. 31, p. 204). In its case-law the Commission has held that, where the facts consist of a series of legal proceedings, the date of entry into force of the Convention in respect of the Contracting State in question has the effect of dividing the period in two, the earlier part escaping the Commission's jurisdiction ratione temporis, whereas a complaint relating to the latter part cannot be rejected on this ground. On the other hand, where a court gives judgment after the entry into force of the Convention, the Commission is competent to ensure that the proceedings leading up to this judgment were in conformity with the Convention, as the proceedings before a court are embodied in its final decision which thus incorporates any defect by which they may have been affected (cf. No. 8261/78, Dec. 11.10.79, D.R. 18, p. 150, confirmed in No. 11306/84, Dec. 16.10.86, D.R. 50, p. 162).

In the present case the proceedings before the first instance court terminated with the decision of the Capital Court of 24 February 1992, i.e. prior to 5 November 1992, which is the date of the entry into force of the Convention with respect to Hungary. These proceedings are therefore, as such, outside the competence of the Commission ratione temporis.

It follows that these aspects of the applicant's submissions are incompatible ratione temporis with the provisions of the Convention within the meaning of Article 27 para. 2 (Art. 27-2).

b. The Commission has next considered the applicant's complaints about the ensuing court proceedings, in particular the appeal proceedings before the Hungarian Supreme Court which terminated after 5 November 1992.

As regards the applicability of Article 6 para. 1 (Art. 6-1) to these proceedings, the Commission notes that they concerned the applicant's claims, pursuant to S. 386 of the Code of Criminal Procedure, for restitution of property, which had been confiscated in the context of criminal proceedings against him in 1965. According to the Hungarian law in force at the relevant time, such proceedings, due to their link with the initial criminal proceedings, fell within the competence of the criminal courts. However, having regard to the pecuniary nature of the applicant's claims, the Commission finds that they fall to be considered as disputes on "civil rights and obligations" within the meaning of Article 6 para. 1 (Art. 6-1) of the Convention (cf., Eur. Court HR, Editions Périscope v. France judgment of 26 March 1992, Series A no. 234-B, p. 72, para. 40; X v. France judgment of 31 March 1992, Series A no. 234-C, p. 90, para. 30).

The Commission notes that, according to the Constitutional Court decision of 5 April 1995, the procedural rules assigning restitution cases to the criminal courts and excluding a review with the Supreme

Court were amended and the applicant was entitled to institute civil review proceedings. While the applicant's renewed petition for review was dismissed by the Supreme Court in a decision of 19 October 1995, finding that there was no right to a second petition for review, the case was, following a second set of complaint proceedings before the Constitutional Court, referred to the Capital Court for further action and, subsequently forwarded to the Supreme Court for a decision on the applicant's petition for review under the rules of civil procedure. These proceedings are still pending.

The Commission recalls that the question of whether court pr1oceedings have been fair, as required by Article 6 para. 1 (Art. 6-1), can only be answered by examining the proceedings as a whole, i.e. only once they have been concluded (see Eur. Court HR, H. v. France judgment of 24 October 1989, Series A no. 162 A, p. 23, para. 61; No. 12952/87, Dec. 6.11.90, D.R. 67, p. 175).

The Commission finds that, as in the applicant's case concerning his restitution claims, review proceedings are still pending before the Supreme Court, his complaints under Article 6 para. 1 (Art. 6-1) about the alleged unfairness and absence of a public hearing in preceding appeal proceedings before the Supreme Court are premature.

Consequently, these complaints are manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2).

5. When lodging his application, the applicant also complained that, as a consequence of the legal provisions governing the petition for review by the Supreme Court in criminal and civil matters, respectively, as in force at that time, he had no effective remedy and that there was discrimination against him. However, the Commission, notes that the restitution proceedings at issue are still pending before the Hungarian courts and no final decision in the matter has been taken. The Commission therefore considers that the applicant's complaints under Articles 13 and 14 (Art. 13, 14) of the Convention is premature. It follows that this part of the application is manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

6. The applicant further complains under Article 6 para. 1 (Art. 6-1) of the Convention about the length of the different sets of court proceedings initiated by him.

The Government argue that the court proceedings regarding the applicant's claims did not exceed a reasonable length. The applicant objects to this view.

a. The Commission observes that the applicant filed his court actions for restitution and compensation under the relevant provisions of the Code of Criminal Procedure in February 1990. While the proceedings for restitution are still pending before the Supreme Court, the compensation proceedings terminated with the decision of the Capital Court of 19 February 1993.

b. The Commission notes that the first part of the proceedings concerning restitution and compensation has taken place prior to the ratification of the Convention by Hungary on 5 November 1992. This period would, if considered alone, fall outside the Commission's competence ratione temporis (cf., No. 7211/75, Dec. 6.10.76, D.R. 7, p. 104). Nevertheless, it is to be taken into account when assessing the reasonableness of the length of the subsequent proceedings (cf. Eur. Court HR, Neumeister v. Austria judgment of 27 June 1968, Series A no. 7, p. 37, para. 6; Ringeisen v. Austria judgment of 16 July 1971, Series A no. 13, pp. 41-42, para. 101; Foti and Others v. Italy judgment of 10 December 1982, Series A no. 56, p. 18, para. 53; Pretto and Others v. Italy judgment of 8 December 1983, Series A no. 71, p. 14, para. 30; mutatis mutandis, Eur. Court HR, Yagci et Sargin v.

Turkey judgment of 8 June 1995, Series A no. 319, p. 16, para. 40).

c. The Commission finds that since the entry into force of the Convention in respect of Hungary, the restitution proceedings have lasted approximately four years and two months so far.

The Commission recalls that the reasonableness of the length of proceedings must be assessed in the light of the particular circumstances of the case and having regard to the complexity of the case, the conduct of the parties and the conduct of the authorities dealing with the case. In this instance the circumstances call for an overall assessment (cf. Eur. Court HR, Vernillo v. Italy judgment of 20 February 1991, Series A no. 198, p. 12, para. 30; Ciricosta and Viola v. Italy judgment of 4 December 1995, Series A no. 337-A, p. 9, para. 24).

The Commission considers that the proceedings at issue were of some complexity, as they involved the evaluation of expert evidence, and also questions of the constitutionality of the relevant procedural rules.

As to the course of the proceedings, the Commission notes that when the Supreme Court, as a court of second instance, dismissed the applicant's appeal in December 1992, these proceedings had been pending for less than three years. The ensuing review proceedings before the Supreme Court lasted four months. The Constitutional Court rendered its decision following, inter alia, the applicant's complaint about the unconstitutionality of the procedural laws as applied in his case in April 1995, i.e. after about one year and nine months. The Supreme Court decided on the applicant's renewed petition for review within less than seven months. Following a further set of complaint proceedings with the Constitutional Court, which lasted less than three months, the proceedings have now again been pending before the Supreme Court for about ten months.

The Commission recalls that only unreasonable delays attributable to the State may justify a finding of failure to comply with the "reasonable time" requirement (cf. Eur. Court HR, Ciricosta and Viola judgment, op. cit., p. 10, para. 28).

The Commission finds that the decisive factor in the course of the applicant's restitution proceedings, following the entry into force of the Convention, is the first complaint proceedings before the Constitutional Court. These proceedings to review the constitutionality of the procedural rules applicable in restitution cases, instituted inter alia upon the applicant's complaint, took a considerable time. However, taking into account the particular features of proceedings before Constitutional Courts (cf. Eur. Court HR, Süßmann v. Germany judgment of 16 September 1996, para. 56, to be published in Reports 1996), a period of about one year and nine months does not appear as such unreasonable.

The decision rendered by the Constitutional Court on 5 April 1995 exceptionally gave the applicant a possibility to pursue his case under the rules of civil litigation. Thus his restitution proceedings, which had, under the legislation in force prior to the said decision of 5 April 1995, terminated after proceedings at three court levels, continued. In the resumed proceedings, the Supreme Court took its next decision, rejecting the petition for review on formal grounds pursuant to the procedural rules, without delay. It is true that, following the Constitutional Court's second decision of 12 February 1996, the applicant's case was referred to the Capital Court, and since March 1996 it has again been pending before the Supreme Court for a decision under the rules of civil procedure. No explanation has been furnished by the Government as to the course of this set of proceedings in the applicant's restitution case.

Nevertheless, having regard to the particularity of the

applicant's case due to the amendment of Hungarian procedural rules, the delay which may have been occasioned by the Supreme Court in the further handling of the matter does not appear substantial enough for the total length of the proceedings - at this stage - to have exceeded an acceptable limit in the circumstances of the present case.

It follows that there is no appearance of a violation of the applicant's right to a hearing within reasonable time in the context of the restitution proceedings instituted by him.

d. As regards the compensation proceedings, the Commission, even assuming compliance with Article 26 (Art. 26) of the Convention, notes that a final decision was taken by the Capital Court on 19 February 1993. These proceedings thus lasted three and a half months after the entry into force of the Convention.

In these circumstances, the Commission finds no indication of delays in the compensation proceedings, and accordingly no appearance of a violation of the applicant's right to a hearing within reasonable time.

e. The third set of proceedings, the official liability action, was filed by the applicant on 29 June 1993. The proceedings lasted until 28 June 1996, i. e. altogether three years.

In the conduct of these proceedings, there were no particular periods of inactivity. Thus, the initial phase of the litigation, which related to the determination of the competent court, lasted five and a half months. The first instance court, having conducted several hearings, rendered its judgment within about a year. The Supreme Court decided on the applicant's appeal in less than eleven months and on the applicant's petition for review within a further six and a half months.

In these circumstances, the Commission finds that the total length of the applicant's official liability action has not exceeded a reasonable time within the meaning of Article 6 para. 1 (Art. 6-1).

It follows that the applicant's complaint about the length of the three sets of court proceedings is manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

7. The applicant further alleges that the Hungarian courts discriminated against him contrary to Article 14 (Art. 14) of the Convention.

Article 14 (Art. 14) provides that the "enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

The Commission finds that the applicant's submissions do not disclose any appearance of the Hungarian Courts involved in the proceedings brought by the applicant having discriminated against him on any of the grounds enumerated in Article 14 (Art. 14) of the Convention.

Accordingly, this complaint is also manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission, unanimously,

1. DECIDES TO JOIN THE APPLICATIONS No. 23209/94 AND No. 27313/95;

2. DECLARES THE APPLICATIONS INADMISSIBLE.

H.C. KRÜGER
Secretary
to the Commission

S. TRECHSEL
President
of the Commission