



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

FOURTH SECTION

**CASE OF GULÁCSINÉ SOMOGYI AND OTHERS v. HUNGARY**

*(Application no. 53490/14 and 3 others - see appended list)*

JUDGMENT

STRASBOURG

28 March 2019

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



**In the case of Gulácsiné Somogyi and Others v. Hungary,**

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

Georges Ravarani, *President*,

Marko Bošnjak,

Péter Paczolay, *judges*,

and Liv Tigerstedt *Acting Deputy Section Registrar*,

Having deliberated in private on 7 March 2019,

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. Notice of the applications was given to the Hungarian Government (“the Government”).

**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.

**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. STANDING OF THE APPLICANT’S WIFE AND DAUGHTER IN APPLICATION NO. 18428/17 TO PURSUE THE APPLICATION**

6. The applicant in application no. 18428/17, Mr Tibor Rejtő E., died on 16 February 2017. In a letter of 25 April 2017 the applicant’s heirs,

Ms Teresa Rejtő, his wife, and Ms Isabel Rejtő, his daughter, expressed their intention to pursue the application.

7. The Court considers that the applicant's wife and daughter have a legitimate interest in obtaining a finding of a breach of the right guaranteed by Article 6 § 1 of the Convention to have the case heard within a reasonable time (see *Dalban v. Romania* [GC], no. 28114/95, §§ 1 and 39, ECHR 1999-VI, and *Ernestina Zullo v. Italy* [GC], no. 64897/01, §§ 36-37, 29 March 2006).

8. Accordingly, the Court holds that Ms Teresa Rejtő and Ms Isabel Rejtő have standing to continue the present proceedings.

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

9. The applicants complained 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 ..."

10. 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).

11. In the leading case of *Barta and Drájkó 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.

12. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion as to the admissibility and merits of these complaints. 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.

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

## III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. 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.”

15. 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.

16. 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. *Holds* that Ms Teresa Rejtő and Ms Isabel Rejtő have standing to continue the present proceedings in application no. 18428/17;
3. *Declares* the applications admissible;
4. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings;
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 28 March 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt  
Acting Deputy Registrar

Georges Ravarani  
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 Date of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
1.	53490/14 25/06/2014	<b>Ilona Gulácsiné Somogyi</b> 31/10/1953	Szathmáry Péter Békéscsaba	03/01/2006	22/01/2014	8 year(s) and 20 day(s) 2 level(s) of jurisdiction	4,600
2.	47276/15 16/09/2015	<b>Margit Ácsné Lukács</b> 15/05/1957	Szilágyi János Szeged	13/04/2007	09/04/2015	7 year(s) and 11 month(s) and 28 day(s) 2 level(s) of jurisdiction	4,600
3.	30708/16 26/05/2016	<b>Csaba Károly Losonczy</b> 28/02/1966	Tóth Gábor Győr	24/10/2005	27/11/2015	10 year(s) and 1 month(s) and 4 day(s) 1 level(s) of jurisdiction	9,100
4.	18428/17 15/02/2017	<b>Tibor Rejtő E.</b> b: 08/03/1947 d: 16/02/2017  Pursued by heirs <b>Rejtő Teresa</b> 12/09/1954 <b>Rejtő Isabel Sophie</b> 07/01/1996	Gál András Budapest	05/09/2003	21/12/2016	13 year(s) and 3 month(s) and 17 day(s) 2 level(s) of jurisdiction	10,400 jointly to the heirs

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