In the case of Ridi v. Italy*,

The European Court of Human Rights, sitting, in accordance with Article 43 (art. 43) of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention")** and the relevant provisions of the Rules of Court, as a Chamber composed of the following judges:

Mr R. Ryssdal, President,
Mr F. Matscher,
Mr B. Walsh,
Mr C. Russo,
Mr A. Spielmann,
Mr N. Valticos,
Mr A.N. Loizou
Mr J.M. Morenilla,
Mr F. Bigi,

and also of Mr M.-A. Eissen, Registrar, and Mr H. Petzold, Deputy Registrar,

Having deliberated in private on 30 October 1991 and 24 January 1992,

Delivers the following judgment, which was adopted on the last-mentioned date:

Notes by the Registrar

* The case is numbered 4/1991/256/327. The first number is the case's position on the list of cases referred to the Court in the relevant year (second number). The last two numbers indicate the case's position on the list of cases referred to the Court since its creation and on the list of the corresponding originating applications to the Commission.

** As amended by Article 11 of Protocol No. 8 (P8-11), which came into force on 1 January 1990.

PROCEDURE

1. The case was referred to the Court on 8 March 1991 by the European Commission of Human Rights ("the Commission"), within the three-month period laid down by Article 32 para. 1 and Article 47 (art. 32-1, art. 47) of the Convention. It originated in an application (no. 11911/85) against the Italian Republic lodged with the Commission under Article 25 (art. 25) by an Italian national, Mr Antonio Ridi, on 12 October 1985.

The Commission's request referred to Articles 44 and 48 (art. 44, art. 48) and to the declaration whereby Italy recognised the compulsory jurisdiction of the Court (Article 46) (art. 46). The object of the request was to obtain a decision as to whether the facts of the case disclosed a breach by the respondent State of its obligations under Article 6 para. 1 (art. 6-1).

2. In response to the enquiry made in accordance with Rule 33 para. 3 (d) of the Rules of Court, the applicant stated that he did not wish to take part in the proceedings.

3. On 23 April 1991 the President of the Court decided that, pursuant to Rule 21 para. 6 and in the interests of the proper administration of justice, this case and the cases of Diana, Casciaroli, Manieri, Mastrantonio, Idrocalce S.r.l., Owners'

Services Ltd, Cardarelli, Golino, Taiuti, Maciariello, Manifattura FL, Steffano, Ruotolo, Vorrasi, Cappello, G. v. Italy, Caffè Roversi S.p.a., Andreucci, Gana, Barbagallo, Cifola, Pandolfelli and Palumbo, Arena, Pierazzini, Tusa, Cooperativa Parco Cuma, Serrentino, Cormio, Lorenzi, Bernardini and Gritti and Tumminelli* should be heard by the same Chamber.

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* Cases nos. 3/1991/255/326; 5/1991/257/328 to 13/1991/265/336; 15/1991/267/338; 16/1991/268/339; 18/1991/270/341; 20/1991/272/343; 22/1991/274/345; 24/1991/276/347; 25/1991/277/348; 33/1991/285/356; 36/1991/288/359; 38/1991/290/361; 40/1991/292/363 to 44/1991/296/367; 50/1991/302/373; 51/1991/303/374; 58/1991/310/381; 59/1991/311/382; 61/1991/313/384

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4. The Chamber to be constituted for this purpose included ex officio Mr C. Russo, the elected judge of Italian nationality (Article 43 of the Convention) (art. 43), and Mr R. Ryssdal, the President of the Court (Rule 21 para. 3 (b)). On the same day, in the presence of the Registrar, the President drew by lot the names of the other seven members, namely Mr F. Matscher, Mr J. Pinheiro Farinha, Sir Vincent Evans, Mr A. Spielmann, Mr I. Foighel, Mr J.M. Morenilla and Mr F. Bigi (Article 43 in fine of the Convention and Rule 21 para. 4) (art. 43).

Subsequently, Mr B. Walsh, Mr A.N. Loizou and Mr N. Valticos, substitute judges, replaced respectively Mr Pinheiro Farinha and Sir Vincent Evans, who had both resigned and whose successors had taken up their duties before the deliberations held on 30 October, and Mr Foighel, who was unable to take part in the further consideration of the case (Rules 2 para. 3, 22 para. 1 and 24 para. 1).

5. Mr Ryssdal assumed the office of President of the Chamber (Rule 21 para. 5) and, through the Deputy Registrar, consulted the Agent of the Italian Government ("the Government") and the Delegate of the Commission on the organisation of the proceedings (Rules 37 para. 1 and 38). In accordance with the order made in consequence, the Registrar received the Government's memorial on 16 July 1991. By a letter received on 22 August, the Secretary to the Commission informed the Registrar that the Delegate did not consider it necessary to reply thereto.

6. On 28 June the Chamber had decided to dispense with a hearing, having found that the conditions for such derogation from the usual procedure were satisfied (Rules 26 and 38).

7. On 28 August the Commission produced the file on the proceedings before it, as requested by the Registrar on the President's instructions.

8. On 5 November 1991 the Commission lodged its observations on the claims for just satisfaction which the applicant had communicated to the Registrar on 21 June (Article 50 of the Convention; Rules 50 and 1(k), taken together) (art. 50) and on which the Government had already commented in their memorial.

AS TO THE FACTS

9. Mr Antonio Ridi is an Italian national and resides in Florence. He is retired. The facts established by the Commission pursuant to Article 31 para. 1 (art. 31-1) of the Convention are as follows (paragraphs 16-24 of its report):

> "16. A writ was filed in the Belluno District Court on 4 May 1976 by the applicant and three other persons against a Mr Z. seeking

compensation for the damage arising from the unlawful widening of a cart track which crossed the land jointly owned by them, and its restoration to its original condition.

17. After hearings on 3 November 1976 and on 9 March and 11 May 1977, the investigating judge called for an expert opinion on 22 February 1978.

18. The expert appointed on that date relinquished his appointment, as did another expert appointed on 6 February 1979. A third expert, appointed on 2 May 1979, was sworn in at the hearing on 27 June 1979 and lodged his report on 25 August 1979.

19. Two hearings took place on 24 October 1979 and 16 January 1980. On the latter date the applicant requested a further expert opinion which was submitted on 28 March 1980.

20. At the following hearing on 29 October 1980, the applicant asked that the expert be replaced on the ground that his report had not been reliable. He reiterated this request at the hearings on 15 April and 11 November 1981. The investigating judge allowed the request on 12 March 1982 and summoned a new expert, who was sworn in at the hearing of 7 April 1982 and instructed to lodge his report within ninety days. As the deadline was not met, the hearing of 14 July 1982 was postponed to 13 October 1982, on which date the case was deemed ready to be tried.

21. At the hearing of 2 March 1983 the parties made their final submissions and the case was referred to the appropriate chamber of the court.

22. The parties were to have appeared before that chamber on 17 January 1984 but the hearing did not take place until 16 April 1985 because the reporting judge had been transferred in the meantime.

23. On 8 May 1985 the court delivered judgment, which found for the applicant. The text of the judgment was lodged with the registry on 8 October 1985. On 18 September 1986 Mr Z. appealed against the court's decision.

24. The proceedings before the Venice Court of Appeal, the course of which has not been described, ended with the hearing on 15 March 1988 when the appeal court delivered judgment, finding that the applicant and the other joint owners had sold the land in question on 17 December 1976 to purchasers who had transferred it to Mr Z. on 11 September 1986. Thus the Court of Appeal was required to rule only on the damage sustained by the plaintiffs up to 17 December 1976 and assessed this damage at 100,000 Italian lire in all. The text of the decision was lodged with the registry of the Court of Appeal on 2 May 1988.

25. ... ."

10. By a letter of 28 March 1991 the applicant claimed that he had lodged an appeal in the Court of Cassation on 8 March 1989, but that it had not been entertained because it had not been filed by a lawyer.

PROCEEDINGS BEFORE THE COMMISSION

11. Mr Ridi lodged his application with the Commission on 12 October 1985. He complained of the length of the civil proceedings brought by him and relied on Article 6 para. 1 (art. 6-1) of the Convention.

12. On 11 May 1990 the Commission declared the application

(no. 11911/85) admissible. In its report of 15 January 1991 (Article 31) (art. 31), it expressed the unanimous opinion that there had been a violation of Article 6 para. 1 (art. 6-1). The full text of the Commission's opinion is reproduced as an annex to this judgment*.

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* Note by the Registrar: for practical reasons this annex will appear only with the printed version of the judgment (volume 229-B of Series A of the Publications of the Court), but a copy of the Commission's report is obtainable from the registry.

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AS TO THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 PARA. 1 (art. 6-1)

13. The applicant claimed that his civil action had not been tried within a "reasonable time" as required under Article 6 para. 1 (art. 6-1) of the Convention, according to which:

> "In the determination of his civil rights and obligations ..., everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ..."

The Government disputed this view, whereas the Commission accepted it.

14. The period to be taken into consideration began on 4 May 1976 when the proceedings were instituted against Mr Z. in the Belluno District Court. It ended, at the latest, on 2 May 1989, when the judgment of the Venice Court of Appeal became final, no appeal to the Court of Cassation having been filed in due form (see the Pugliese (II) v. Italy judgment of 24 May 1991, Series A no. 206-A, p. 8, para. 16).

15. The reasonableness of the length of proceedings is to be assessed with reference to the criteria laid down in the Court's case-law and in the light of the circumstances of the case, which in this instance call for an overall assessment.

16. The Government invoked the excessive workload of the relevant courts and the impossibility of preventing the first two experts from relinquishing their appointment and of compelling the fourth and last to carry out his duties within the prescribed time-limit. In addition the applicant had not asked that his case be examined more rapidly.

17. The case was, however, a simple one. Yet it took nearly six years to conduct the investigation (3 November 1976 - 13 October 1982) and there was a long period of stagnation in the proceedings before the competent chamber of the District Court (2 March 1983 - 16 April 1985).

As regards the first of these periods, the Court notes that the experts were "acting in the context of judicial proceedings supervised by the judge; the latter remained responsible for the preparation of the case and for the speedy conduct of the trial" (see the Capuano v. Italy judgment of 25 June 1987, Series A no. 119, p. 13, para. 30).

The second period was also excessive. The Government pleaded the backlog of cases pending in the Belluno District Court, but Article 6 para. 1 (art. 6-1) imposes on the Contracting States the duty to organise their legal system in such a way that their courts can meet each of its requirements (see, inter alia, the Vocaturo v. Italy judgment of 24 May 1991, Series A no. 206-C, p. 32, para. 17).

In addition, it is hard to see why it took five months to lodge the text of the judgment of 8 May 1985 with the registry.

It is true that the applicant and the other plaintiffs appear to have delayed serving it on Mr Z. so that the State cannot be held responsible for the period of more than eleven months which elapsed before the appeal was filed (8 October 1985 - 18 September 1986), or moreover for the year which may have gone by before the judgment of the Venice Court of Appeal became final. Furthermore, the proceedings would seem to have been conducted at a normal pace before the Court of Appeal.

18. However, the Court cannot regard as "reasonable" the lapse of time in the present case.

There has therefore been a violation of Article 6 para. 1 (art. 6-1).

II. APPLICATION OF ARTICLE 50 (art. 50)

19. According to Article 50 (art. 50):

> "If the Court finds that a decision or a measure taken by a legal authority or any other authority of a High Contracting Party is completely or partially in conflict with the obligations arising from the ... Convention, and if the internal law of the said Party allows only partial reparation to be made for the consequences of this decision or measure, the decision of the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

20. Mr Ridi claimed compensation for non-pecuniary damage, without giving any figures.

The Court accepts that he must have sustained some such damage, but in the circumstances of the case considers, like the Government, that the finding of a violation of Article 6 para. 1 (art. 6-1) provides in itself sufficient satisfaction for the purposes of Article 50 (art. 50).

B. Costs and expenses

21. The applicant also sought 7,178,840 Italian lire in respect of costs incurred in the national courts.

22. The Court subscribes in substance to the opinion expressed by the Government that Mr Ridi was not entitled to the sum claimed because the evidence did not establish the existence of a causal connection between such costs and the length of the proceedings.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. Holds that there has been a violation of Article 6 para. 1 (art. 6-1);

2. Holds that the present judgment constitutes in itself sufficient just satisfaction for the purposes of Article 50 (art. 50) in respect of the alleged non-pecuniary damage;

3. Dismisses the remainder of the applicant's claims.

Done in English and in French, and delivered at a public hearing in the Human Rights Building, Strasbourg, on 27 February 1992.

Signed: Rolv RYSSDAL

President

Signed: Marc-André EISSEN
Registrar