



## Forthcoming public delivery in the Grand Chamber case of Fabbri and Others v. San Marino

The European Court of Human Rights will deliver its ruling in the case of **Fabbri and Others v. San Marino** (applications nos. 6319/21, 6321/21 and 9227/21) at a public hearing on 24 September 2024 at 10.15 a.m. in the Human Rights Building, Strasbourg.

The case concerns three individuals who participated in criminal proceedings as victims of alleged offences. They complain that they could not have their civil claims adjudicated in those proceedings because delays in the investigations had led to the alleged offences becoming time-barred in 2020.

### Principal facts

The applicants, Stellino Fabbri, Andrea Forcellini and Angelina Marro, are two San Marinese and one Italian national respectively. They were born in 1955, 2003 and 1973 and live in San Marino.

In 2016 Mr Fabbri and Ms Marro lodged a criminal complaint for bodily harm against a third individual, N. They alleged that N. had attacked first Ms Marro and then Mr Fabbri when he had tried to intervene. In their complaint they reserved their right to join, as civil parties, any eventual criminal proceedings. As a result, a criminal investigation was opened.

In 2015 Mr Forcellini, 12 years old at the time, was allegedly the victim of bullying during a school trip. In 2018 a criminal investigation was opened *ex officio* against two minors for violence and persecution against Mr Forcellini. In 2019 his parents submitted, on his behalf, a formal request to join the criminal proceedings as a civil party.

The investigating judge assigned to both cases did not, however, take any steps. This resulted in the charges becoming time-barred and in 2020 the Prosecutor agreeing to discontinue the cases.

### Complaints

Relying on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights, the applicants complain that the time-barring as a result of the authorities' inaction led to their being unable to have their civil claims adjudicated in the criminal proceedings; thus, they allege that they were denied access to court.

### Procedure

The applications were lodged with the European Court of Human Rights on various dates in 2021.

In its [judgment](#) of 18 October 2022, the Court held, by 4 votes to 3, that there had been a violation of Article 6 § 1 of the European Convention on Human Rights in respect of the three applicants.

On 6 March 2023 the three applications were referred to the Grand Chamber at the San Marinese Government's request.

The Government of Italy have been granted leave to intervene in the proceedings as a third party.

A [hearing](#) took place in public in the Human Rights Building, Strasbourg, on 12 July 2023.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on X (Twitter) [@ECHR CEDH](https://twitter.com/ECHR_CEDH).

### Press contacts

[echrpess@echr.coe.int](mailto:echrpess@echr.coe.int) | tel.: +33 3 90 21 42 08

**We are happy to receive journalists' enquiries via either email or telephone.**

**Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)**

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Neil Connolly (tel: + 33 3 90 21 48 05)

Jane Swift (tel: + 33 3 88 41 29 04)

**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.