CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

Comité de filtrage/Screening Panel

AFFAIRE AGNELLO c. ITALIE

CASE OF AGNELLO v. ITALY

(38/1998/941/1154)

DECISION

STRASBOURG

3 septembre/September 1998

In the case of Agnello v. Italy[1],

The Screening Panel of the European Court of Human Rights, constituted in accordance with Article 48 § 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") and Rule 26 of Rules of Court B[2],

Sitting in private at Strasbourg on 26 August 1998, and composed of the following judges:

Mr A.N. LOIZOU, *Chairman*,
Mr C. RUSSO,
Mr J.M. MORENILLA,

and also of Mr H. PETZOLD, *Registrar*,

Having regard to the application against the Italian Republic lodged with the Court on 20 April 1998 by an Italian national, Mrs Maria Agnello, within the three-month period laid down by Article 32 § 1 and Article 47 of the Convention;

Whereas Italy has recognised the compulsory jurisdiction of the Court (Article 46 of the Convention) and ratified Protocol No. 9 to the Convention, Article 5 of which amends Article 48 of the Convention so as to enable a person, non-governmental organisation or group of individuals having lodged a complaint with the European Commission of Human Rights ("the Commission") to refer the case to the Court;

Noting that the present case has not been referred to the Court by either the Government of the respondent State or the Commission under Article 48 § 1 (a) or (d) of the Convention;

Having regard to the Commission's report of 21 January 1998 on the application (no. 34854/97) lodged with the Commission by Mrs Agnello on 22 March 1996;

Whereas the applicant complained of the length of proceedings in an Italian civil court, to which she was a party, and of the lack of an effective remedy in domestic law to complain of that length, and alleged breaches of Article 6 § 1 of the Convention, under which "In the determination of his civil rights and obligations …, everyone is entitled to a … hearing within a reasonable time by [a] … tribunal…", and Article 13 (right to an effective remedy before a national authority);

Notes by the Registrar

1. The case is numbered 38/1998/941/1154. 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.

2. Rules of Court B, which came into force on 2 October 1994, apply to all cases concerning States bound by Protocol No. 9.

Whereas the applicant, in specifying the object of her application, as required by Rule 34 § 1 (a) of Rules of Court B, stated that she sought a decision by the Court holding that there had been breaches of Articles 6 § 1 and 13 of the Convention and ordering the respondent State to pay her just satisfaction by way of compensation for the pecuniary and non-pecuniary damage she had allegedly sustained and the costs and expenses she had incurred on account of the length of the proceedings and of the non-existence in domestic law of a remedy to complain of it;

Having regard to Article 48 of the Convention and Rule 34 §§ 1 (a), 3 and 4 of Rules of Court B,

1. *Finds* that
   (a) the case raises no serious question affecting the interpretation or application of the Convention, as the Court has already established case-law on the requirements of Articles 6 § 1 ("reasonable time") and 13 of the Convention; and
   (b) the case does not, for any other reason, warrant consideration by the Court as, in the event of a finding that there has been a breach of the Convention, the Committee of Ministers of the Council of Europe can award the applicant just satisfaction, having regard to any proposals made by the Commission;

2. *Decides*, therefore, unanimously, that the case will not be considered by the Court.

Done in English and in French, and notified in writing on 3 September 1998 pursuant to Rule 34 § 4 of Rules of Court B.

Signed: Andreas Nicolas LOIZOU
Chairman

Signed: Herbert PETZOLD
Registrar