

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

Comité de filtrage/Screening Panel

AFFAIRE ANNUNZIATA c. ITALIE

CASE OF ANNUNZIATA v. ITALY

(133/1998/1036/1251)

DECISION

STRASBOURG

30 October 1998

In the case of Annunziata 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 29 October 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 23 September 1998 by an Italian national, Mr Michele Annunziata, 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 20 May 1998 on the application (no. 28592/95) lodged with the Commission by Mr Annunziata on 27 December 1994;

Whereas the applicant complained of the length of two sets of proceedings in an Italian civil court, to which he was a party, and alleged a breach 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 of Article 1 of Protocol No. 1 (right to the peaceful enjoyment of his possessions);

Notes by the Registrar

1. The case is numbered 133/1998/1036/1251. 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 on 4 March and 22 October 1997 the Commission declared admissible only the complaint relating to Article 6 § 1;

Whereas the applicant, in specifying the object of his application, as required by Rule 34 § 1 (a) of Rules of Court B, stated that he sought a decision by the Court holding that there had been a breach of Article 6 § 1 of the Convention on account of the length of the proceedings and ordering the Italian State to pay him just satisfaction by way of compensation for the damage he had allegedly sustained;

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 "reasonable time" requirement in Article 6 § 1 of the Convention, while consideration of the other complaint lies outside the Court's jurisdiction, as the applicant raised it for the first time in his application to the Court; 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 30 October 1998 pursuant to Rule 34 § 4 of Rules of Court B.

Signed: Andreas Nicolas LOIZOU
Chairman

Signed: Herbert PETZOLD
Registrar