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 ARCONTE c. ITALIE

CASE OF ARCONTE v. ITALY

(86/1997/870/1082)

DECISION

STRASBOURG

30 octobre/October 1997

In the case of Arconte 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 21 October 1997, and composed of the following judges:

Mr J. DE MEYER, *Chairman*,
Mr C. RUSSO,
Mr N. VALTICOS,

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

Having regard to the application against the Italian Republic lodged with the Court on 11 September 1997 by an Italian national, Mr Antonino Arconte, 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 May 1997 on the application (no. 22873/93) lodged with the Commission by Mr Arconte on 11 December 1992;

Whereas the applicant complained of the length and unfairness of criminal proceedings which had been brought against him before the Italian courts (Article 6 § 1 of the Convention), the unlawfulness of his arrest (Article 5 of the Convention), of hindrance in the exercise of his right of recourse to the Commission (Article 25 of the Convention), an infringement of his right to peaceful enjoyment of his possessions (Article 1 of Protocol No. 1) and the lack of an effective remedy in respect of the alleged violations of his rights (Article 13 of the Convention);

Notes by the Registrar

1. The case is numbered 86/1997/870/1082. 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 12 April 1996 the Commission declared admissible the complaints relating to the length of the proceedings and the hindering of the right of individual petition and declared the remainder of the application inadmissible;

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 breaches of Articles 5, 6 § 1, 13 and 25 of the Convention and of Article 1 of Protocol No. 1 and ordering the respondent State to pay him just satisfaction by way of compensation for the damage he had allegedly sustained on account of the breaches of the Convention;

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 and, 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;
   (b) the case does not, for other reasons, in particular connected with Article 25, warrant consideration by the Court; and
   (c) consideration of the other complaints lies outside the Court's jurisdiction, as the Commission has declared them inadmissible;

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 1997 pursuant to Rule 34 § 4 of Rules of Court B.

Signed: Jan DE MEYER
Chairman

Signed: Herbert PETZOLD
Registrar