In the case of Legge 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 27 September 1996, and composed of the following judges:

Mr R. Macdonald, *Chairman*,
Mr C. Russo,
Mr A. Spielmann,

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

Having regard to the application against the Italian Republic lodged with the Court on 27 August 1996 by two Italian nationals, Mr Massimo Legge and Mr Liberato Legge, 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 16 April 1996 on the application (no. 23604/94) lodged with the Commission by Mr Massimo Legge and Mr Liberato Legge on 30 October 1993;

Whereas the applicants complained of the length of proceedings in an Italian civil court, to which they are parties, and alleged a breach of Article 6 § 1 of the Convention, under which "In

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Notes by the Registrar

1. The case is numbered 102/1996/721/918. 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 the States bound by Protocol No. 9.

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

Whereas the applicants, in specifying the object of their application, as required by Rule 34 § 1 (a) of Rules of Court B, (a) requested the Court to hold that there had been a breach of Article 6 § 1 of the Convention and to award them just satisfaction under Article 50, namely compensation for all the damage they had allegedly sustained and reimbursement of the costs incurred before the Convention institutions, and (b) stated that they sought a decision by the Court because in Italy failure to respect the right to a hearing within a reasonable time was a serious problem which would be aggravated if the Court did not adopt a series of decisions against the Italian Republic;

Whereas, in addition, the applicants argued that the Committee of Ministers of the Council of Europe was a political body which, given its composition and procedure, was incapable of performing an intrinsically judicial function such as the task of determining whether or not there had been a breach of the Convention in a given case;

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

1. *Notes* that under Article 32 of the Convention the Committee of Ministers has jurisdiction to decide if necessary whether there has been a breach of the Convention;

2. *Emphasises* that under Protocol No. 9 to the Convention that jurisdiction is excluded only where the Screening Panel decides to entertain an application for consideration by the Court;

3. *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

   (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 can award the applicants just satisfaction, having regard to any proposals made by the Commission;

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

Done in English and in French, and notified in writing on 21 October 1996 pursuant to Rule 34 § 4 of Rules of Court B.

Ronald MACDONALD
Chairman

Herbert PETZOLD
Registrar