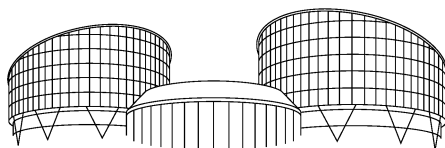


La Corte EDU sulla ragionevole durata del processo (CEDU V sez., sent. 18 luglio 2024, ric. n. 28467/18)

La Corte EDU, nel caso di specie, è tornata a pronunciarsi sulla presunta violazione dell'art. 6 § 1 e dell'art. 13 della Convenzione, in seguito al ricorso presentato da alcuni cittadini ucraini che avevano lamentato l'eccessiva durata dei loro procedimenti. Essa, dopo aver ribadito che la ragionevole durata del procedimento deve essere valutata alla luce delle circostanze e della complessità del caso, della condotta dei ricorrenti e delle autorità competenti ed, infine, dell'interesse delle parti, ha ritenuto non sussistere alcun fatto o argomento idoneo a giustificare la durata complessiva del procedimento a livello nazionale e che pertanto la relativa durata sia stata eccessiva e non abbia rispettato il requisito del "termine ragionevole". Di qui, ha dichiarato la violazione dell'articolo 6 § 1 e dell'articolo 13 della Convenzione sotto il profilo dell'eccessiva durata dei procedimenti civili e della mancanza di qualsiasi ricorso effettivo nel diritto interno.



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

FIFTH SECTION

CASE OF Omissis and Others v. UKRAINE

(Applications nos. 28467/18 and 6 others –see appended list)

JUDGMENT
STRASBOURG
18 July 2024

This judgment is final but it may be subject to editorial revision.

In the case of Omissis and Others v. Ukraine,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Carlo Ranzoni, *President*,

Mārtiņš Mits,

María Elósegui, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,
Having deliberated in private on 27 June 2024,
Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.
2. The Ukrainian Government (“the Government”) were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

THE LAW

I. JOINDER OF THE APPLICATIONS

4. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 AND ARTICLE 13 OF THE CONVENTION

5. The applicants complained that the length of the civil proceedings in question had been incompatible with the “reasonable time” requirement and that they had no effective remedy in this connection. They relied on Article 6 § 1 and Article 13 of the Convention.
6. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. [30979/96](#), § 43, ECHR 2000-VII).
7. In the leading case of *Karnaushenko v. Ukraine* (no. [23853/02](#), 30 November 2006), the Court already found a violation in respect of issues similar to those in the present case.
8. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the “reasonable time” requirement.
9. The Court further notes that the applicants did not have at their disposal an effective remedy in respect of these complaints.
10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 and of Article 13 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *Karnaushenko*, cited above, §§ 70 and 75), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 6 § 1 and Article 13 of the Convention concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law;
4. *Holds*

(a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 18 July 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Carlo Ranzoni
President

APPENDIX

List of applications raising complaints under Article 6 § 1 and Article 13 of the Convention
(excessive length of civil proceedings and lack of any effective remedy in domestic law)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]
1.	28467/18 30/05/2018			31/05/2017	29/09/2021	4 year(s) and 4 month(s)	800

No.	Applicati on no. Date of introducti on	Applican t's name Year of birth	Representativ e's name and location	Start of proceedin gs	End of proceedin gs	Total length Levels of jurisdicti on	Amount awarde d for pecunia ry and non- pecunia ry damage per applica nt (in euros)[1]
						2 level(s) of jurisdictio n	
2.	19199/23 28/04/2023	omissis	omissis	25/03/2016 30/01/2020	12/06/2019 29/12/2022	6 year(s) and 1 month(s) and 19 day(s) 3 level(s) of jurisdictio n	500
3.	28939/23 10/07/2023	omissis	omissis	11/12/2017	pending	More than 6 year(s) and 6 month(s) 1 level(s) of jurisdictio n	2,400
4.	32742/23 11/08/2023	omissis	omissis	31/12/2014	13/04/2023	8 year(s) and 3	1,200

No.	Applicati on no. Date of introducti on	Applican t's name Year of birth	Representativ e's name and location	Start of proceedin gs	End of proceedin gs	Total length Levels of jurisdicti on	Amount awarde d for pecunia ry and non- pecunia ry damage per applica nt (in euros)[1]
						month(s) and 14 day(s) 3 level(s) of jurisdictio n	
5.	32936/23 14/08/2023	omissis	omissis	07/04/2015	26/04/2023	8 year(s) and 20 day(s) 3 level(s) of jurisdictio n	1,200
6.	38251/23 03/10/2023	omissis	omissis	16/01/2020	pending	More than 4 year(s) and 4 month(s) and 26 day(s) 1 level(s) of jurisdictio n	1,200

No.	Applicati on no. Date of introducti on	Applican t's name Year of birth	Representativ e's name and location	Start of proceedin gs	End of proceedin gs	Total length Levels of jurisdicti on	Amount awarde d for pecunia ry and non- pecunia ry damage per applica nt (in euros)[1]
7.	41227/23 09/11/2023	omissis	omissis	02/08/2019	pending	More than 4 year(s) and 10 month(s) and 9 day(s) 1 level(s) of jurisdictio n	1,500