

## ***C. v IRELAND (1 March 2012)***

### **Delay in Criminal Prosecutions**

(Application No. 24643/08) Committee Judgement, 1 March 2012

The Committee of the Court, after hearing oral and written submissions from the parties, delivered its Judgment on 1 March 2010. It found that Ireland had violated Article 6 § 1, which provides for the right to a fair trial within a reasonable time.

The Applicant was charged with criminal offences involving five different claimants and brought an application to the European Court arguing that the delay of the Irish authorities in bringing criminal proceedings against him in relation to one of the trials violated the reasonable time requirement for fair trials under Article 6(1) of the Convention.

The period of time to be taken into consideration was 11 years and four months and involved two levels of Court jurisdiction ( the High Court having initially having made an Order to prevent the proceedings going ahead, which was then overturned on appeal). The Court found that the length of proceedings was excessive and failed to meet the “reasonable time” requirement under Article 6(1) of the Convention. Referring to the previous case of *McFarlane v Ireland*, (Judgment 10 September 2010), it considered that the Government had not put forward any fact or argument which persuaded it to reach a different conclusion.

The applicant also alleged that it would be unfair to continue the proceedings concerning the trial which had taken over 11 years to be heard before the Courts. The Court found that the applicant could not claim that there was any procedural unfairness in having the trial proceed as he had pleaded guilty and there was no suggestion that his plea was not informed and voluntary.

The applicant also submitted observations under Article 41 of the Convention which provides for just satisfaction to be awarded to an injured party where a violation has been found but where the domestic law of the relevant State only allows for partial reparation. The Court found that the observations did not in fact relate to just satisfaction, but rather the merits of the case and so no award could be made.