



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

FOURTH SECTION

**CASE OF AGOSTINHO RIBEIRO AND PESSOA LEAL
v. PORTUGAL**

(Applications nos. 74693/17 and 17194/19)

JUDGMENT

STRASBOURG

18 January 2024

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

In the case of Agostinho Ribeiro and Pessoa Leal v. Portugal,

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

Faris Vehabović, *President*,

Anja Seibert-Fohr,

Anne Louise Bormann, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 14 December 2023,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in two applications against Portugal 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 applicants were represented by Vítor Carreto, a lawyer practising in Torres Vedras.

3. The Portuguese Government (“the Government”) were given notice of the applications.

THE FACTS

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

5. Relying on Article 6 § 1 of the Convention, the applicants complained of the excessive length of criminal proceedings brought against them by the public prosecutor at the Matosinhos Criminal Court.

THE LAW

I. JOINDER OF THE APPLICATIONS

6. 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 OF THE CONVENTION

7. The applicants complained principally that the length of the criminal proceedings in question had been incompatible with the “reasonable time” requirement. They relied on Article 6 § 1 of the Convention.

8. In the present case, it is noted that the non-contractual liability actions instituted by the applicants against the State, on account of the excessive length of the criminal proceedings at issue, were dismissed.

9. 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, among many other authorities, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II, and *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

10. In the leading case of *Sociedade de Construções Martins & Vieira, Lda., and Others v. Portugal*, nos. 56637/10 and 5 others, 30 October 2014 the Court already found a violation in respect of issues similar to those in the present case.

11. 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. In particular, it finds that the Government failed to explain the actions that were taken by the Portuguese authorities to expedite the investigation and specifically the execution of the rogatory letter. 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.

12. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Sociedade de Construções Martins & Vieira, Lda., and Others*, cited above), the Court finds 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 complaints concerning the excessive length of the criminal proceedings admissible;
3. *Holds* that these complaints disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of the criminal proceedings;
4. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table;

(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 January 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Faris Vehabović
President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(excessive length of criminal proceedings)

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	Domestic court File number	Amount awarded for pecuniary and non- pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	74693/17 13/10/2017	Ercílio José AGOSTINHO RIBEIRO 1968	Vítor Carreto Torres Vedras	27/07/2010	24/06/2016	5 years and 10 months and 29 days 2 levels of jurisdiction	7586/10.OJ FLSB	3,300	250
2.	17194/19 22/03/2019	António João PESSOA LEAL 1950						3,300	250

¹ Plus any tax that may be chargeable to the applicants.

² Plus any tax that may be chargeable to the applicants.