



# San Marino

## Ratified the European Convention on Human Rights in 1989

### National Judge: Kristina Pardalos

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Federico Bigi (1991-1996), Luigi Ferrari Bravo (1998-2001), Antonella Mularoni (2001-2008)

The Court dealt with 5 applications concerning San Marino in 2016, which were declared inadmissible or struck out. No judgment was delivered.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	4	13	9
Communicated to the Government	1	0	5
Applications decided:	7	5	8
- Declared inadmissible or struck out (Single Judge)	6	3	2
- Declared inadmissible or struck out (Committee)	0	0	0
- Declared inadmissible or struck out (Chamber)	0	2	5
- Decided by judgment	1	0	1
Interim measures:	0	0	0
- Granted	0	0	0
- Refused (including out of scope)	0	0	0

\* January to July 2017

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/07/2017	
Total pending applications*	15
Applications pending before a judicial formation:	15
Single Judge	1
Committee (3 Judges)	1
Chamber (7 Judges)	13
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

## San Marino and ...

### Its contribution to the Court's budget

For 2016 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2016 contribution of San Marino to the Council of Europe's (EUR 326 million) budget is **EUR 139,737**.

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **1** is San Marinese.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [Buscarini and others v. San Marino](#)

18.02.1999

Obligation for Members of Parliament to take their oath of office on the Gospels, on pain of forfeiting their seats.

Violation of Article 9 (freedom of thought, conscience and religion)

### Chamber

#### **Inhuman or degrading treatment (Article 3)**

#### [Podeschi v. San Marino](#)

13.04.2017

The case concerned criminal proceedings brought against a politician for money laundering and his related pre-trial detention.

No violation of Article 3

No violation of Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial)

No violation of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court)

#### **Cases dealing with Article 6**

#### Right to a fair trial

#### [Dondarini v. San Marino](#)

06.07.2004

No public hearing during the appeal proceedings.

Violation of Article 6 § 1

#### [Tierce and others v. San Marino](#)

25.07.2000

A judge dealt with the judicial investigation and trial at first instance, then again with the investigation for the appeal hearing. Impossibility for the applicants to be heard in person by the appeal court.

Violations of Article 6

Right to a fair hearing within a reasonable time

#### [Beneficio Cappella Paolini v. San Marino](#)

13.07.2004

Long proceedings, in the course of which the national courts failed to rule on the question submitted to them.

Violations of Article 6 § 1

Violation of Article 1 of Protocol No. 1 (protection of property)

#### **Cases dealing with Article 8 (right to respect of private and family life)**

#### [M.N. and Others v. San Marino](#)

07.07.2015

The case concerned the search and seizure of documents relating to banking and fiduciary relationships.

The applicants, four Italian nationals, notably complained about a decision by the San Marino judicial authorities ordering the seizure of banking documents related to them. The decision was made at the request of the Italian prosecution authorities in the context of an on-going criminal investigation – not involving the applicants – into money laundering in Italy.

Violation of Article 8 in respect of one of the applicants, M.N.

#### [Diamante and Pelliccioni v. San Marino](#)

27.09.2011

The case concerned the care and custody proceedings before the San Marinense courts concerning a small child whose mother is Italian and whose father is San Marinense.

No violation of Article 8 (right to respect for private and family life)

No violation of Article 2 of Protocol N° 4 (freedom of movement)

## Other noteworthy cases, judgments delivered

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#### [Toniolo v. San Marino and Italy](#)

19.11.2012

Mr Toniolo, an Italian national resident in San Marino, complained about his preventive detention in August 2009 and his subsequent extradition to Italy about a month later. Relying on Article 5 § 1 (right to liberty and security), Mr Toniolo alleged that both San Marino and Italy had been responsible for procedural irregularities in

his extradition and, in particular, that his preventive detention in San Marino had been unlawful.

Violation of Article 5 § 1 (right to liberty and security)

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