REPUBLIC OF SAN MARINO

We the Captains Regent
of the Most Serene Republic of San Marino

Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;
Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 15 April 2025:

LAW no. 165 of 22 April 2025

PROVISIONS ON REASONABLE LENGTH OF PROCEEDINGS AND JUST SATISFACTION

Art. 1
(Unreasonable length of proceedings)

1. While fully respecting the parties' right of defence, the State shall adopt effective measures to ensure the right to a trial within a reasonable time, as provided for in Article 15, paragraph 3 of the Declaration of Citizens' Rights and the Fundamental Principles of the San Marino Legal System and Article 6, paragraph 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The parties shall exhaust the preventive remedies provided for in this law.
2. Those who, despite having exhausted preventive remedies, have suffered an unreasonable delay in the settlement of the proceedings concerning them are entitled to a just satisfaction.
3. In civil proceedings, the party concerned shall submit a request to expedite proceedings to the judge hearing the case at least six months before the time limits referred to in Article 2, paragraph 3 expire. Within that time limit, the Judge hearing the case shall have the *ex officio* power to take, in compliance with the provisions of Article 11, paragraphs 1 and (2), any measure necessary for the effective expedition of proceedings, also by way of derogation from the ordinary time limits of proceedings.
4. In criminal proceedings, the defendant and the party who has duly joined the proceedings as a civil party shall submit a request to expedite proceedings to the Judge hearing the case at least six months before the time limits referred to in Article 2, paragraphs 4 expire.
5. The appellant or the opposing party who has duly joined the administrative proceedings shall submit a request to expedite proceedings to the Judge hearing the case at least six months before the time limits referred to in Article 2, paragraph 5 expire.
6. The Judge receiving the request to expedite the proceedings shall promptly notify the Head of the Court and take actions to effectively expedite proceedings in compliance with the time limits referred to in Article 2, without prejudice to the parties' defence right.

Art. 2

(Right to just satisfaction)

1. A claim for just satisfaction submitted by a person who has not exhausted the preventive remedies for the unreasonable length of proceedings referred to in Article 1 shall be inadmissible.
2. In establishing a violation, the Judge shall assess the complexity of the case, the subject matter of the dispute, the conduct of the parties and of the court during the proceedings, as well as of any other person related to the case or involved in its settlement.
3. For civil proceedings, the reasonable-time requirement shall be deemed to be met if proceedings do not exceed a duration of three years at first instance, two years at second instance and one year at third instance. For the proceedings concerning labour law provided for by Law No. 63 of 20 May 1985 and subsequent amendments, and for the summary documentary proceedings provided for in Book II, Section VII, Paragraph 154 of the *Leges Statutae*, the reasonable-time requirement shall be considered to have been met if the proceedings do not exceed two years in the first instance, one year in the second instance, and one year in the third instance. For the purposes of calculating the duration of proceedings, these shall be deemed to begin when a case is brought to a court.
4. In criminal proceedings, the reasonable-time requirement shall be deemed to be met if the proceedings do not exceed a duration of three years at first instance, two years at second instance and one year at third instance. For the purposes of calculating the duration of proceedings, the time shall begin to run: in the first instance, when a party becomes the defendant, the civil party or the party having civil liability or when the suspected person has legal knowledge of the closure of investigations; in the second instance, when the time limit for filing the grounds of appeal has elapsed; in the third instance from the date of lodging the relevant appeal at the Registry.
5. In administrative proceedings, the reasonable-time limit requirement shall be deemed to be met if proceedings do not exceed one year in each instance. For the purposes of calculating the duration of proceedings, the period shall be deemed to begin on the date when the application initiating the proceedings is lodged with the Court, after its proper service.
6. Notwithstanding the provisions of paragraphs 3, 4 and 5, the reasonable-time requirement shall in any event be deemed to have been met if, in proceedings that went through three instances, the time limit for the final judgment has not exceeded six years for civil and criminal proceedings and three years for administrative proceedings.
7. The following periods shall not be taken into account for the purposes of calculating the reasonable length:

a) from the day on which the decree by which a Judge requests the judicial review of constitutionality is transmitted to the Guarantors' Panel on the Constitutionality of Rules to the day on which the relevant documents are returned;
b) from the day on which a conflict of jurisdiction is filed to the day of its settlement;
c) from the day on which the request for abstention or objection of a judge is filed to the day on which the relevant decision is served;
d) the period of time required to settle an issue that is necessarily preliminary in nature;
e) the period of time, not exceeding six months, required to execute international rogatory letters deemed absolutely necessary;
f) judicial vacations.

Art. 3

(Compensation)

1. In the judgment awarding just satisfaction, the judge shall prescribe an amount of money not less than EUR 1,000.00 (one thousand / 00) and not more than EUR

2,000.00 (two thousand/00) for each year or part of a year exceeding six months the reasonable time for the duration of proceedings.

2. Compensation shall be awarded only once in the event of a joinder of several proceedings involving the same party.

3. The amount of compensation shall be awarded taking into account:

a) the outcome of the proceedings in which the violation of the reasonable time requirement was verified;
b) the conduct of the Judge and the parties;
c) the nature of the interests in question;
d) the value and significance of the case, assessed also in relation to the personal conditions of the parties.

4. In particular, no compensation shall be awarded:

a) if the party who made a request for just satisfaction has been sentenced for vexatious litigation or has continued the proceedings being aware that its claims or defence grounds were unfounded, either from the beginning or subsequently;
b) in the event that, when settling the proceedings, the request amounting to a compensation higher than the settlement proposal determined in the case file has not been upheld;
c) where the party claiming compensation has committed an abuse of process resulting in an unjustified delay of the proceedings;
d) if a party has obtained, as a result of the unreasonable length of proceedings, pecuniary advantages equal to or greater than the amount of compensation otherwise due;
e) if the request has been declared cancelled;
f) if proceedings have been declared to be extinguished due to waiver of the action or appeal or due to accepted withdrawal of the complaint.

5. Unless the contrary is proven, complaint about unreasonable length of the proceedings shall be deemed unfounded if the offence has been declared extinguished following the expiry of the statute of limitations, with regard to the defendant.

6. The amount of compensation shall not in any event exceed the value of the object of the lawsuit or, if lower, the value of the right established by the Judge.

7. Costs relating to the compensation provided for in this Article shall be charged to Chapter 1-2- 5975 “Compensation for just satisfaction”.

8. The compensation referred to in this Article shall be awarded only after the relevant amount has been allocated to the chapter.

Art. 4
(Procedure)

1. A claim for just satisfaction, to be filed with the Civil Registry, shall be made against the State of San Marino, by submitting it to the Judge of first instance for Civil Liability Actions of Magistrates within the time limit of four months from the date on which the judgment concluding the underlying proceedings has become final, under penalty of forfeiture.

2. For the purposes of the proceedings referred to in this Law, no judicial tax shall be payable, whereas the remuneration referred to in Article 4, paragraph 2 of Law No. 4 of 21 January 2004, and subsequent amendments, shall always be borne by the State. In the event of rejection of the claim for just satisfaction, the remuneration referred to in Article 4, paragraph 2 of Law No 4/2004 and subsequent amendments shall be reimbursed to the State by the party claiming just satisfaction.

3. The Civil Registry shall serve the claim to the State, which, on receipt of the notification, may lodge any pleadings within the following fifteen days.

4. A claim for just satisfaction may be made even before the final decision, once the delay has accrued pending the underlying proceedings.

5. The claim shall contain the number and year of the underlying proceedings.

6. Upon receipt of the claim, the Registrar shall promptly transmit the file to the Judge for Civil Liability Actions of Magistrates, together with a copy of the case file in which the violation allegedly occurred and any pleadings filed by the State. Within 60 days of receipt of the file, the Judge for Civil

Liability Actions of Magistrates shall uphold or reject the claim for just satisfaction by judgement. If the claim is upheld, the Judge shall determine the amount of compensation in accordance with Article 3. If the claim is rejected, it may not be filed again.

Art. 5
(Appeal)

1. A judgment deciding on just satisfaction may be challenged within 30 days of its notification, by lodging an appeal at the Civil Registry addressed to the Judge of Appeal for Civil Liability Actions of Magistrates. The Civil Registry shall serve the appeal on the opposing party.
2. The appeal shall not suspend the enforceability of the measure, unless the Judge of Appeal for Civil liability Actions of Magistrates orders that its effectiveness be suspended by a non-appealable order, if there are serious grounds.
3. At the request of the opposing party, the Judge of Appeal for Civil Liability Actions of Magistrates may grant a period of 15 days for the filing of any pleadings.
4. Within 60 days of the transmission of the file by the Registrar, the Judge of Appeal for Civil Liability Actions of Magistrates shall deliver a non-appealable judgement.

Art. 6
(Duties of the Registrar)

1. The Registrar shall send a copy of the final judgement ruling on just satisfaction to the Head of the Court.
2. The Registrar shall send the list of final judgements concerning the reasonable length of the proceedings to the Parliamentary Commission for Justice on an annual basis.

Art. 7
(Procedural sanctions)

1. If the request is declared inadmissible or manifestly unfounded, the party making it may be ordered, by means of the judgement referred to in Article 4, paragraph 6 or the judgment ruling on the appeal, to pay legal costs ranging from EUR 500.00 (five hundred/00) to EUR 2,000.00 (two thousand/00), in addition to the reimbursement of the remuneration provided for in Article 4, paragraph 2 of Law no. 4/2004 and subsequent amendments.

Art. 8
(Exclusion of expert evidence)

1. After paragraph 4.1 of Article 2 of Law n. 55 of 17 June 1994 and subsequent amendments, the following paragraph 4.1-*bis* shall be added:

"-4.1*bis*- If the party fails to deposit within 30 days from the Judge's decree the provision for the expert's report, the Law Commissioner, after hearing the parties, shall declare the exclusion of the evidence. This time limit may exceptionally be extended only once and for serious and well-founded reasons or with the agreement of both parties."

Art. 9

(Exclusion of witness testimony)

1. Paragraph 3.1 of Article 2 of Law no. 55/1994 and subsequent amendments shall be replaced as follows:

"-3.1- If the witness fails to appear at the hearing set for his or her examination for a justified reason, the Judge shall assess the reasons given. If these are considered to be sufficient to objectively justify the absence, the Judge shall fix another hearing for the examination of the witness within the following two months or in any case taking into account the nature and duration of the impediment. When the reasons given are not considered to be sufficient to objectively justify the absence, the witness shall be deemed to be absent without justification. Without prejudice to the application of the sanctions provided for by law, the Judge may order, at the request of a party, the witness absent without justification be immediately brought before the judicial authority by means of public force. If a witness summoned to provide a testimony fails to appear for more than two hearings without justification, the Judge shall order the exclusion of the witness testimony."

Art. 10

(Taking of evidence by means of letters rogatory)

1. Paragraph 3.2 of Article 2 of Law no. 55/1994 and subsequent amendments shall be replaced as follows:

'-3.2- If a request is made through diplomatic channels for the taking of evidence abroad in States with which there are no international or multilateral conventions authorizing judicial authorities to enter into direct dialogue and the reply to the letter rogatory is not received within six months of the transmission of the request by the Ministry of Foreign Affairs to the competent foreign authority, the Judge, after hearing the parties, may order the opening of a subsequent deadline for the submission of evidence.'

Art. 11

(Verification of workloads)

1. Judges shall check their workloads on an annual basis. If at the outcome of the verification they find that there is a risk of unreasonable delay in settling the case, they shall, after initiating an adversarial procedure with the parties on the state of the case and the necessary steps for its continuation, in the absence of a request for expedition of proceedings from them, take all the necessary *ex officio* measures to expedite the proceedings, by way of derogation from the dispositive principle.
2. *Ex officio* measures shall be taken in accordance with the guidelines adopted by the technical panel for regular dialogue between the Judiciary and the Lawyers' Association.
3. The Head of the Court shall supervise that the obligation to check workloads is effectively fulfilled.

Art. 12

(Transitional provisions)

1. Within three months of the entry into force of this Law, those who have already timely applied to the European Court of Human Rights to establish violation of the right to a trial within a reasonable time referred to in Article 6, paragraph 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, may submit the claim for just satisfaction referred to in this Law, accompanied by the documents proving that an application has been lodged with the aforementioned Court, if no decision of inadmissibility has been taken by that Court.

2. The Court Registry shall inform, without delay, the Minister of Foreign Affairs of the claims submitted within the time limit referred to in paragraph 1, for the purpose of timely communication to the European Court of Human Rights.

3. Within six months of the entry into force of this Law, Judges shall carry out the first verification of workloads, making an inventory of proceedings in which unreasonable delay may be identified pursuant to Article 11. At the expiry of that time limit, Judges shall inform the parties of the established delay, urging them to proceed with the case expeditiously. The *ex officio* measures referred to in Article 11, paragraph 1 shall be taken upon expiry of the time limit granted to the parties through the above communication, which may not be less than thirty days, in accordance with the guidelines adopted pursuant to Article 11, paragraph 2.

Art. 13
(Entry into force)

1. This Law shall enter into force on the fifteenth day following that of its legal publication.

Done at Our Residence, on 22 April 2025/1724 since the Foundation of the Republic.

THE CAPTAINS REGENT
Denise Bronzetti – Italo Righi

THE MINISTER OF
INTERNAL AFFAIRS
Andrea Belluzzi