



ACTION PLAN

Mc Farlane v. Ireland
Application no 31333/2006
Grand Chamber judgment 10 September 2010
Information submitted by the Government of Ireland on 10 March 2011

Introduction

1. In January 1998 the applicant in this case was charged with criminal offences which were finally disposed of in June 2008 with an acquittal. By way of judicial review proceedings, the applicant sought to prevent any trial taking place on the basis of delay, that key evidence was lost and that it would be unfair to proceed against him. These proceedings concluded (against the applicant) in March 2006. The applicant then brought a second set of judicial review proceedings seeking to prevent his trial taking place on the grounds of delay. These proceedings concluded (against the applicant) in March 2008. The Applicant's trial commenced before the Special Criminal Court in June 2008. Following a ruling by the Special Criminal Court that the principal evidence in the case was inadmissible the prosecution indicated that it did not propose to call any further evidence and the charges were dismissed.
2. In its judgment delivered on 10 September 2010 the Grand Chamber determined there had been a violation of Articles 6 and 13 of the Convention and awarded the applicant €5,500 in non-pecuniary damage and €10,000 in costs and expenses.
3. Ireland is committed to ensuring that the judgment in this case is implemented expeditiously. As will be evident from submissions following previous judgments (the Doran group of cases) considerable progress has been made in reducing delays in domestic litigation. An Action Report will be filed shortly outlining steps taken. The judgment also highlights the need to ensure that persons experiencing delays in litigation have available to them an effective domestic remedy as required by Article 13. This issue touches upon the organisation of the Irish Courts system and will require detailed consideration and consultation with key actors within the domestic system.

Publication and dissemination of the judgment

4. Having regard to the need to ensure that domestic authorities are rapidly informed of the Court's judgment the Department of Justice and Law Reform, responsible for oversight of the Courts system, is fully aware of the judgment and has transmitted it to all Government Departments and all relevant Offices.
5. A copy of the judgment was laid before Dáil Éireann (House of Representatives) on 2 November 2010. A link to the judgment is available on both the Department of Justice and Law Reform website at:

http://www.justice.ie/en/JELR/1-3260646-CASE_OF_MC_FARLANE_v_IRELAND.pdf/Files/1-3260646-CASE_OF_MC_FARLANE_v_IRELAND.pdf

And the Courts Service website, the main source of all Irish court judgments:

<http://www.courts.ie/offices.nsf/bae2125da4ef043080256e45004d04f3/34d1351d3942a6d680256e45005861b8?OpenDocument>

6. The judgment was also covered extensively in the national media and in the Law Society Gazette, a publication of the Law Society of Ireland and distributed to its members, generally comprised of practising solicitors.
7. Ireland considers that nothing further is required as regards publication and dissemination of the judgment.

Individual measures

8. The Court ordered that the Respondent pay €5,500 in respect of non-pecuniary damage (plus any tax chargeable) and €10,000 in costs and expenses (plus any tax chargeable). Ireland paid to the Applicant's solicitor the sum of €17,600 (VAT at €2,100 on the costs and expenses) and receipt has been acknowledged and confirmed with the Secretariat.
9. Ireland considers that there are no further individual measures are required.

General measures

Article 6

10. As will be evident from reports following previous judgments (the Doran group of cases) considerable progress has been made in reducing delays in domestic litigation, an Action Report will be filed shortly outlining steps taken.

Article 13

11. An expert group will be established (including the Department of Justice and Law Reform, the Courts Service, the Attorney General's Office, the Office of the Director of Public Prosecutions) to develop proposals necessary to ensure implementation of the judgment. The group will, in the first instance, conduct appropriate consultation.
12. It is intended that the consultation phase will be completed by summer 2011. Following conclusion of the consultation phase, proposals will be transmitted to Government for approval. An Action Report will be filed outlining an implementation timescale in September 2011.