



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

SECOND SECTION

**CASE OF S.A AND D.D.L. v. ITALY**

*(Application no. 30973/96)*

JUDGMENT  
(Friendly settlement)

STRASBOURG

12 April 2001



**In the case of S.A. and D.D.L.v. Italy,**

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,

Mr A.B. BAKA,

Mr G. BONELLO,

Mr P. LORENZEN,

Mrs M. TSATSA-NIKOLOVSKA,

Mr E. LEVITS,

Mr A. KOVLER, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 22 March 2001,

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

**PROCEDURE**

1. The case originated in an application (no. 30973/96) against Italy lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by two Italian nationals, Mrs S.A. and Mr D.D.L. (“the applicants”), on 23 November 1995.

2. The applicants acted in person. The Italian Government (“the Government”) were represented by their Agent, Mr U. Leanza, and by their co-agent, Mr V. Esposito.

3. The applicants complained about their prolonged inability - through lack of police assistance - to recover possession of their apartment and about the duration of the eviction proceedings.

4. On 7 September 2000, after obtaining the parties’ observations, the Court declared the application admissible.

5. On 6 February 2001 and on 29 January 2001, the applicants and the Agent of the Government respectively submitted formal declarations proposing a friendly settlement of the case.

**THE FACTS**

6. In a registered letter of 15 June 1989, M.L. and R.B., owners of an apartment in Florence, informed the tenant that they intended to terminate the lease on expiry of the term on 18 May 1990 and asked her to vacate the premises by that date.

7. On 28 December 1989, the applicants became the owners of the apartment.

8. In a writ served on the tenant on 21 February 1990, the applicants summoned the tenant to appear before the Florence Magistrate.

9. By a decision of 25 July 1990, which was made enforceable on 5 September 1990, the Florence Magistrate upheld the validity of the notice to quit and ordered that the premises be vacated by 31 December 1992.

10. On 26 February 1993, the applicants served notice on the tenant requiring her to vacate the premises. On 29 March 1993, they served notice on the tenant informing her that the order for possession would be enforced by a bailiff on 19 April 1993.

11. On 19 April 1993 and on 15 November 1993, the bailiff made two attempts to recover possession.

12. On 8 April 1994, the applicants made a statutory declaration that they urgently required the premises as accommodation for themselves.

13. Between 6 October 1994 and 3 December 1998, the bailiff made 8 attempts to recover possession. Each attempt proved unsuccessful, as the applicants were never granted the assistance of the police in enforcing the order for possession.

14. The applicants have not yet recovered possession of the apartment.

## THE LAW

15. On 29 January 2001, the Court received the following declaration from the Government:

“I declare that the Government of Italy offer to pay a sum totalling 14,000,000 ITL (7,000,000 ITL for each applicant) with a view to securing a friendly settlement of the application registered under no. 30973/96. This sum shall cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable immediately after the notification of the judgment delivered by the Court pursuant to Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

This declaration does not entail any acknowledgement by the Government of a violation of the European Convention on Human Rights in the present case.

The Government further undertake not to request the reference of the case to the Grand Chamber under Article 43 § 1 of the Convention.”

16. On 6 February 2001, the Court received the following declaration signed by the applicants:

“We note that the Government of Italy are prepared to pay a sum totalling 14,000,000 ITL (7,000,000 ITL for each applicant) covering both pecuniary and non-pecuniary damage and costs to Mrs S.A. and Mr D.D.L. with a view to securing a friendly settlement of application no. 30973/96 pending before the Court.

We accept the proposal and waive any further claims in respect of Italy relating to the facts of this application. We declare that the case is definitely settled.

This declaration is made in the context of a friendly settlement which the Government and the applicants have reached.

We further undertake not to request the reference of the case to the Grand Chamber under Article 43 § 1 of the Convention after the delivery of the Court's judgment."

17. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

18. Accordingly, the case should be struck out of the list.

#### FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 12 April 2001 pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH  
Registrar

Christos ROZAKIS  
President