



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

FIRST SECTION

CASE OF V.L. and Others v. ITALY

(Application no 44864/98)

JUDGMENT
(Friendly Settlement)

STRASBOURG

7 May 2002

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

In the case of V.L. and Others v. Italy,

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

Mr C.L. ROZAKIS, *President*,

Mrs F. TULKENS,

Mr L. FERRARI BRAVO,

Mr P. LORENZEN,

Mrs N. VAJIĆ,

Mr E. LEVITS,

Mr A. KOVLER, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 18 April 2002,

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

PROCEDURE

1. The case originated in an application (no. 44864/98) against the Italian Republic 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 three Italian nationals, MM. V.L., A.L. and Mrs A.L. (“the applicants”), on 17 August 1998.

2. The applicants were represented by Mr L. Della Pietra, a lawyer practising in Naples. 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. The case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 to the Convention. On 4 October 2001, having obtained the parties’ observations, the Court declared the application admissible.

5. On 1 November 2001 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed First Section.

6. On 19 March 2002 and on 25 March 2002 the Agent of the Government and the applicants respectively submitted formal declarations proposing a friendly settlement of the case.

THE FACTS

7. O.D.R. was the owner of an apartment in Naples, which she had let to M.G.

8. On 14 November 1983, she served a notice to quit on the tenant, on expiry of the term on 31 December 1983, but he refused to leave.

9. O.D.R. summoned the tenant to appear before the Naples Magistrate.

10. By a decision of 30 November 1983, which was made enforceable on the same day, the Naples Magistrate upheld the validity of the notice to quit and ordered that the premises be vacated by 3 December 1985.

11. M.G. died, but his wife and his daughter refused to vacate the premises.

12. On 27 October 1989, O.D.R. died and the applicants inherited the apartment.

13. On 31 January 1991, the applicants served notice on the tenants requiring them to vacate the premises.

14. On 4 March 1991, they served notice on the tenants informing them that the order for possession would be enforced by a bailiff on 14 March 1991.

15. Between 14 March 1991 and 17 January 1997, the bailiff made twelve attempts to recover possession.

16. Each attempt proved unsuccessful, as the applicants were not entitled to police assistance in enforcing the order for possession.

17. On 11 September 1997, according to law no. 61/89, the applicants requested the Prefectoral Committee for assistance of the police in enforcing the order for possession.

18. On 20 February 1998, the applicants recovered possession of the apartment.

THE LAW

19. On 19 March 2002 the Court received the following declaration from the Government:

“I declare that the Government of Italy offer to pay a sum totalling 10,000 (ten thousand) Euros to MM. V.L., A.L. and Mrs A.L., (3,333.34 Euros to Mr V.L. and 3,333.33 Euros to each Mr A.L. and Mrs A.L.) with a view to securing a friendly settlement of the application registered under no. 44864/98. This sum shall cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable within three months starting from 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 referral of the case to the Grand Chamber under Article 43 § 1 of the Convention.”

20. On 25 March 2002 the Court received the following declaration signed by the applicants’ representative:

“I note that the Government of Italy are prepared to pay a sum totalling 10,000 (ten thousand) Euros to MM. V.L., A.L. and Mrs A.L., (3,333.34 Euros to Mr V.L. and 3,333.33 Euros to each Mr A.L. and Mrs A.L.) covering both pecuniary and non-pecuniary damage and costs to MM. V.L. and A.L. and Mrs A.L. with a view to securing a friendly settlement of application no. 44864/98 pending before the Court.

I accept the proposal and waive any further claims in respect of Italy relating to the facts of this application. I 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.

I further undertake not to request the referral of the case to the Grand Chamber under Article 43 § 1 of the Convention after the delivery of the Court’s judgment.”

21. 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).

22. 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 7 May 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President