



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

FIRST SECTION

**CASE OF GUAZZONE v. ITALY**

*(Application no. 39797/97)*

JUDGMENT  
(Friendly Settlement)

STRASBOURG

11 July 2002

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



**In the case of Guazzone 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 P. LORENZEN,

Mrs N. VAJIĆ,

Mr E. LEVITS,

Mr A. KOVLER, *judges*,

Mr L. FERRARI BRAVO, *ad hoc judge*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 27 June 2002,

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

**PROCEDURE**

1. The case originated in an application (no. 39797/97) 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, Mr Giovanni Guazzone, Mr Stefano Guazzone and Mrs Anna Guazzone (“the applicants”), on 18 November 1997.

2. The applicants were represented by Mr A. Porta Del Lungo, a lawyer practising in Florence. 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 29 May 2002 and on 10 June 2002 the applicants and the Agent of the Government respectively submitted formal declarations proposing a friendly settlement of the case.

## THE FACTS

7. The applicants are the owners of an apartment in Florence, which they had let to A.R.

8. In a registered letter of 18 April 1991, the applicants informed the tenant that they intended to terminate the lease on expiry of the term on 31 December 1991 and asked her to vacate the premises by that date.

9. In a writ served on the tenant on 27 September 1991, the applicants reiterated their intention to terminate the lease and summoned the tenant to appear before the Florence Magistrate.

10. By a decision of 28 October 1991, which was made enforceable on 8 November 1991, the Florence Magistrate upheld the validity of the notice to quit and ordered that the premises be vacated by 31 December 1992.

11. On 25 January 1993, the applicants served notice on the tenant requiring her to vacate the premises.

12. On 3 March 1993, they served notice on the tenant informing her that the order for possession would be enforced by a bailiff on 30 March 1993.

13. On 30 July 1993, the applicants made a statutory declaration that they urgently required the premises as accommodation for the third applicant.

14. Between 30 March 1993 and 23 September 1999, the bailiff made fourteen 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.

15. On 28 March 1997, the second applicant made a statutory declaration that he urgently required the premises as accommodation for his son.

16. On 2 August 1999, the tenant requested the Florence Magistrate (according to art. 6 L. 431/98) to set a fresh date for the enforcement of the order.

17. On 16 October 2000, the Florence Magistrate set the enforcement of the order for 15 May 2002.

## THE LAW

18. On 29 May 2002 the Court received the following declaration from the Government:

“I declare that the Government of Italy offer to pay a sum totalling 18,000 (eighteen thousand) Euros to Mr Giovanni Guazzone, Mr Stefano Guazzone and Mrs Anna Guazzone (6,000 Euros for each applicant) with a view to securing a friendly settlement of the application registered under no. 39797/98. 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.”

19. On 10 June 2002 the Court received the following declaration signed by the applicants:

“I note that the Government of Italy are prepared to pay a sum totalling 18,000 (eighteen thousand) Euros covering both pecuniary and non-pecuniary damage and costs to Mr Giovanni Guazzone, Mr Stefano Guazzone and Mrs Anna Guazzone (6,000 Euros for each applicant) with a view to securing a friendly settlement of application no. 39797/98 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.”

20. 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).

21. 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 11 July 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH  
Registrar

Christos ROZAKIS  
President