



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

FIRST SECTION

**CASE OF BALDI v. ITALY**

*(Application no. 32584/96)*

JUDGMENT  
(Striking out)

STRASBOURG

11 December 2003

**FINAL**

*11/03/2004*

*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*

**In the case of Baldi v. Italy,**

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

Mr C.L. ROZAKIS, *President*,

Mr P. LORENZEN,

Mr G. BONELLO,

Mr A. KOVLER,

Mrs E. STEINER,

Mr K. HAJIYEV, *judges*,

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

and Mr S. NIELSEN, *Deputy Section Registrar*,

Having deliberated in private on 20 November 2003,

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

**PROCEDURE**

1. The case originated in an application (no. 32584/96) 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 an Italian national, Mr Roberto Baldi (“the applicant”), on 16 May 1996.

2. The applicant was represented by Mr P. Marchetti, a lawyer practising in Milan. The Italian Government (“the Government”) were represented by their successive Agents, respectively Mr U. Leanza and Mr I. M. Braguglia, and by their successive co-Agents, respectively Mr V. Esposito and Mr F. Crisafulli.

3. The applicant complained under Article 1 of Protocol No. 1 to the Convention that he had been unable to recover possession of his flat within a reasonable time. Invoking Article 6 § 1 of the Convention, he further complained about the length of the eviction proceedings.

4. The application was transmitted to the Court on 1 November 1998, when Protocol No. 11 to the Convention came into force (Article 5 § 2 of Protocol No. 11).

5. The application was allocated to the Second Section of the Court (Rule 52 § 1 of the Rules of Court). Within that Section, the Chamber that would consider the case (Article 27 § 1 of the Convention) was constituted as provided in Rule 26 § 1 of the Rules of Court.

6. On 22 June 2000 the Court declared the application admissible.

7. Mr V. Zagrebelsky, the judge elected in respect of Italy, withdrew from sitting in the case (Rule 28). The Government appointed Mr L. Ferrari Bravo as *ad hoc* judge to sit in his place (Article 27 § 2 of the Convention and Rule 29 § 2)

8. 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.

## THE FACTS

9. The applicant was born in 1947 and lives in Milan.

10. He is the owner of a flat in Milan, which he had let to M.M.L.

11. In a writ served on the tenant on 25 October 1990, the applicant informed her that he intended to terminate the lease on expiry of the term on 30 June 1991 and summoned the tenant to appear before the Milan Magistrate.

12. By a decision of 12 November 1990, which was made enforceable on 7 January 1991, the Milan Magistrate upheld the validity of the notice to quit and ordered that the premises be vacated by 1 July 1992.

13. On 22 July 1992, the applicant served notice on the tenant requiring her to vacate the premises.

14. On 17 September 1992, he informed the tenant that the order for possession would be enforced by a bailiff on 16 October 1992.

15. Between 16 October 1992 and 19 October 1993, the bailiff made 5 attempts to recover possession.

16. On 26 November 1993, the applicant made a statutory declaration that he urgently required the premises as accommodation for himself.

17. Between 11 January 1994 and 14 April 1997, the bailiff made 15 attempts to recover possession. Each attempt proved unsuccessful, as the applicant was never granted the assistance of the police in enforcing the order for possession.

18. On 26 June 1997, the tenant vacated the premises.

## THE LAW

19. By letter of 29 June 2000, the Court informed the applicant of the admissibility decision and requested him to submit, by 20 September 2000, any additional evidence or written observations on the case that he wished to put before the Court. In the same letter, the applicant was also asked to submit his claims for just satisfaction. The applicant did not reply.

20. By registered letter of 24 July 2002, sent also by fax on 29 July 2002, the Court reiterated its requests and warned the applicant that his failure to reply by 12 August 2002, might lead to the application being struck out the Court's list of cases. The applicant received the fax. On 3 September 2002, he received the registered letter. However, the applicant did not reply.

21. In these circumstances, having regard to Article 37 § 1 (a) of the Convention, the Court considers that the applicant does not intend to pursue the petition. Furthermore, the Court finds no reasons of a general character,

as defined in Article 37 § 1 *in fine*, which would require the examination of the application.

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

*Decides* to strike the case out of the list ;

Done in English, and notified in writing on 11 December 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren NIELSEN  
Deputy Registrar

Christos ROZAKIS  
President