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

FIRST SECTION

# DECISION

Application no. 36251/17
Caterina BASILE against Italy
and 5 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 10 November 2022 as a Committee composed of:

Krzysztof Wojtyczek*, President*,
Ivana Jelić,
Erik Wennerström*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement or delayed enforcement of "Pinto" domestic decisions were communicated to the Italian Government ("the Government").

## THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the non-enforcement or delayed enforcement of domestic decisions. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The Government also undertook to ensure the enforcement of the domestic decisions under consideration in the cases concerned (see appended table) within the same three-month period, and to pay any costs of the domestic enforcement proceedings.

The payment and the enforcement of the domestic decisions in the cases concerned will constitute the final resolution of the cases.

The applicants were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the non-enforcement or delayed enforcement of domestic decisions (see, for example, *Gaglione and Others v. Italy,* nos. 45867/07 and 69 others, 21 December 2010 and *Gagliano Giorgi v. Italy,* no. 23563/07, 6 March 2012).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Takes note* of the terms of the respondent Government's declarations and of the arrangements for ensuring compliance with the undertakings referred to therein;

*Decides* to strike the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 1 December 2022.

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| Viktoriya Maradudina<br>Acting Deputy Registrar | Krzysztof Wojtyczek<br>President |

# APPENDIX

## List of applications raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (non-enforcement or delayed enforcement of "Pinto" domestic decisions)

| No. | Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Relevant domestic decision | Date of receipt of Government's declaration | Date of receipt of applicant's comments, if any | Amount awarded for non-pecuniary damage per applicant (in euros)[1] | Amount awarded for costs and expenses per application (in euros)[2] |
|---|---|---|---|---|---|---|---|---|
| 1. | 36251/17<br>10/05/2017 | **Caterina BASILE**<br>1961 | Fundarò Antonina<br>Palermo | Caltanissetta Court of Appeal<br>RG 1330/2012,<br>23/07/2014 | 07/07/2022 | 16/08/2022 | 200 | 30 |
| 2. | 43277/19<br>06/08/2019 | **Antonia DI DONFRANCESCO**<br>1960 | Marzioni Carlo<br>Rome | Rome Court of Appeal<br>RG 50085/2019,<br>14/02/2019 | 07/07/2022 | 20/07/2022 | 200 | 30 |
| 3. | 43819/19<br>06/08/2019 | **Carlo MARZIONI**<br>1958 | Marzioni Carlo<br>Rome | Rome Court of Appeal<br>RG 50287/2019,<br>05/03/2019 | 07/07/2022 | 20/07/2022 | 200 | 30 |
| 4. | 14271/21<br>04/03/2021 | **Michele CRISCUOLI**<br>1945 | Pagliuca Mauro<br>Avellino | Naples Court of Appeal<br>RG 378/2020,<br>20/03/2020 | 07/07/2022 | | 200 | 30 |
| 5. | 22419/21<br>04/03/2021 | **Rosa SORICE**<br>1939 | Pagliuca Mauro<br>Avellino | Naples Court of Appeal<br>RG 482/2020,<br>27/03/2020 | 07/07/2022 | | 200 | 30 |
| 6. | 22422/21<br>04/03/2021 | **Elena GIAQUINTO**<br>1953 | Pagliuca Mauro<br>Avellino | Naples Court of Appeal<br>RG 936/2018,<br>22/11/2018 | 07/07/2022 | | 200 | 30 |

[1] Plus any tax that may be chargeable to the applicants.
[2] Plus any tax that may be chargeable to the applicants.