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

FIRST SECTION

DECISION

Application no. 30788/18
Nicola CAITO against Italy
and 2 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 21 May 2024 as a Committee composed of:

Péter Paczolay*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the applications against the Italian Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by the applicants listed in the appended table ("the applicants"), on the various dates indicated therein;

the decision to give notice of the complaint under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention concerning the non-enforcement of domestic judgments to the Italian Government ("the Government") represented by their Agent, Mr L. D'Ascia;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applications concern the non-enforcement of judgments nos. 5214/2017, 5225/2017 and 5261/2017 awarding compensation issued by the Palermo District Court on 5 October 2017.

2. The applicants complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention of the non-enforcement of the above three domestic judgments in their favour.

THE COURT'S ASSESSMENT

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

4. The Government argued that, although judgments nos. 5214/2017, 5225/2017 and 5261/2017 of the Palermo District Court were filed on 5 October 2017, the applicants only sent the relevant documents to the debtor authority in order to recover the debt on 19 April 2018. Furthermore, they only provided the correct bank details for receiving the payment in February 2019. The payments were then ordered by the debtor authority between March and August 2019.

5. The applicants reiterated that the domestic authorities had failed to enforce the judgments within a reasonable time.

6. The Court recalls that a successful litigant may be required to undertake certain procedural steps in order to recover the judgment debt, be it during a voluntary execution of a judgment by the State or during its enforcement by compulsory means (see *Shvedov v. Russia*, no. 69306/01, §§ 29-37, 20 October 2005). Accordingly, it is not unreasonable that the authorities request that the applicant produce additional documents, such as bank details, to allow or speed up the execution of a judgment (see, *mutatis mutandis*, *Kosmidis and Kosmidou v. Greece*, no. 32141/04, § 24, 8 November 2007; *Burdov v. Russia (no. 2)*, no. 33509/04, § 69, ECHR 2009; and *Arbačiauskienė v. Lithuania*, no. 2971/08, § 86, 1 March 2016). The creditor's uncooperative behaviour may be an obstacle to timely enforcement of a judgment, thus alleviating the authorities' responsibility for delays (see *Belayev v. Russia* (dec.), no. 36020/02, 22 March 2011). In fact, while the primary responsibility for enforcement of a judgment against the State lies with the authorities, they cannot comply with their obligations without the applicants' minimal cooperation to that effect (*Gadzhikhanov and Saukov v. Russia*, nos. 10511/08 and 5866/09, § 29, 31 January 2012; *Kuzhelev and Others v. Russia*, nos. 64098/09 and 6 others, § 106, 15 October 2019; and *Di Giuseppe v. Italy* (dec.) [Committee], no. 7997/21, § 7, 5 December 2023, with further references).

7. Having examined all the material submitted to it, the Court agrees with the Government that the obligation to provide the debtor authority with the correct bank account details and the supporting documents constitutes a reasonable procedural step which the creditor is required to take in order to obtain sums awarded by domestic judgments. Failure by the creditor to comply with this obligation constitutes an obstacle to the enforcement of the decisions in his favour, for which the authorities cannot be held responsible (see *Gadzhikhanov and Saukov*, cited above, § 29)

8. In this connection, the Court observes that the applicants did not provide the correct bank details and the relevant supporting documents until February 2019 and did not explain the reasons for the delay. The Court also notes that the debtor authority made the payment within six months from the date on which it received the correct bank details and the relevant documents.

9. In these circumstances, the Court finds that the applications are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 13 June 2024.

Liv Tigerstedt Deputy Registrar	Péter Paczolay President

APPENDIX

No.	Application no.	Case name	Lodged on	Applicant's name Year of birth	Represented by
1.	30788/18	Caito v. Italy	13/06/2018	**Nicola CAITO** 1939	Alessandro SAVOCA
2.	30893/18	Agostino and Others v. Italy	13/06/2018	**Giuseppe AGOSTINO** 1957 **Gaspare BARRESI** 1957 **Calogero BARRILE** 1938 **Lorenzo BLANCATO** 1949 **Domenica BONIFACIO** 1954 **Salvatore BOSCO** 1946 **Pietro BUSCEMI** 1936 **Orlando CALDERONE** 1935 **Francesca Giusi CAMERANO** 1987 **Antonio CAMPOLO** 1950 **Biagio CAVALLARO** 1949 **Concettina CAVALLARO** 1944 **Concetto Lucio Maria CAVALLARO** 1957 **Grazia CAVALLARO** 1947 **Giuseppe CORSO** 1948	Alessandro SAVOCA

No.	Application no.	Case name	Lodged on	Applicant's name Year of birth	Represented by
				Vincenzo COSTANZO ZAMMATARO 1954 **Santo CUCINOTTA** 1948 **Francesco DI MARCO** 1944 **Gesualdo GENNARO** 1949 **Salvatore GENNARO** 1959 **Ugo GENOVESE** 1931 **Maria INFARINATO** 1936 **Giuseppe LA QUATRA** 1944 **Antonino LA SPINA** 1946 **Michelangelo LEANZA** 1958 **Giovanni LICCIARDI** 1946 **Carmelo LO PRESTI** 1936 **Angela LO VECCHIO** 1955 **Antonino LODATO** 1962 **Maria Concetta LODATO** 1966 **Carmelo LOREFICE** 1951	

No.	Application no.	Case name	Lodged on	Applicant's name Year of birth	Represented by
				Natale MAIMONE 1948 **Francesco MANCUSO** 1952 **Luigi MARE** 1964 **Francesco MAURO** 1920 **Nicolò MIANI** 1953 **Lorenzo MILILLI** 1945 **Francesco MOLONIA** 1934 **Corrado PIAZZESE** 1959 **Giovanni RINZELLI** 1947 **Domenico SACCONE** 1949 **Francesco SANTOCONO** 1948 **Francesco SIMONE** 1950 **Benito Giuseppe SPATA** 1941 **Carmelo TARASCIO** 1950 **Gioacchino TRAINA** 1962 **Concetto VALVO** 1947 **Maria Catena VIOLA** 1957	

No.	Application no.	Case name	Lodged on	Applicant's name Year of birth	Represented by
				Filippo VISCONTI 1956	
3.	31665/18	Baglio and Others v. Italy	13/06/2018	**Giovanni BAGLIO** 1946 **Clemente BATTAGLIA** 1959 **Giovanna BORDIERI** 1958 **Giuseppe BORDONE BACARELLA** 1941 **Gioacchino BRUNO** 1944 **Giovanni BUGLISI** 1955 **Vincenzo CARLINO** 1951 **Vincenzo Eugenio CHIRCO** 1950 **Domenico CICERO** 1941 **Salvatore CIULLA** 1957 **Salvatore CRAPISI** 1959 **Mirco DI GRANDI** 1986 **Tiziana DI GRANDI** 1980 **Giuseppe DRAGO** 1949 **Gaetano FARAONE** 1947 **Antonino FRANCIAMORE** 1950	Alessandro SAVOCA

No.	Application no.	Case name	Lodged on	Applicant's name Year of birth	Represented by
				Isidoro FRENDA 1955 **Giacomo GELSOMINO** 1947 **Maddalena LETO** 1938 **Calogera LICATA** 1943 **Davide Antonio Graziano MANIGLIA** 1970 **Gianni Luca Maria MANIGLIA** 1967 **Rosalena MILIA** 1966 **Rosalinda MILIA** 1970 **Salvatore MILIA** 1969 **Stefano MILIA** 1973 **Teresa MILIA** 1963 **Giovanni PREDILETTO** 1948 **Giuseppa PREDILETTO** 1953 **Loredana PREDILETTO** 1963 **Francesco QUARTANA** 1971 **Giovanna QUARTANA** 1960	

No.	Application no.	Case name	Lodged on	Applicant's name Year of birth	Represented by
				Giuseppe QUARTANA 1964 **Agata RAINERI** 1956 **Domenico SCIANNA** 1959 **Paolo TIRRITO** 1951 **Elena VITALE** 1940 **Tommaso VITANZA** 1953	