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

FIRST SECTION

DECISION

Application no. 62222/14
Giuseppe DIMO and Others against Italy
and 4 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 26 March 2026 as a Committee composed of:

Erik Wennerström*, President*,
Raffaele Sabato,
Artūrs Kučs*, 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 concerning Article 1 of Protocol No. 1 to the Convention to the Italian Government ("the Government"), represented by their Agent, Mr L. D'Ascia, and to declare inadmissible the remainder of the applications nos. 62222/14, 47693/18, 37680/19 and 29620/20;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applications concern the adequacy of compensation awarded to the applicants for the expropriation or "voluntary transfer" (*cessione volontaria*) of their land in favour of local authorities. The facts of each application are set out in the appended table. Under Italian law, when a compulsory purchase order is issued, the owner of the property in question can agree to voluntarily transfer it so as to avoid an expropriation procedure. By agreeing to the

transfer, the owner only retains the possibility of challenging before the courts the sums offered as compensation.

2. Invoking Article 1 of Protocol No. 1 to the Convention, the applicants complained about the domestic courts' failure to adjust for inflation the compensation awarded to them for the dispossession of their property, which in their view had rendered the compensation inadequate.

THE COURT'S ASSESSMENT

A. Joinder of the applications

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

B. Alleged violation of Article 1 of Protocol No. 1 to the Convention

4. The Government argued that the applicants had not properly exhausted the available domestic remedies. In particular, they pointed out that the applicants had not raised before the national courts a specific claim seeking to have their land's market value adjusted for inflation beyond what was guaranteed by statutory interest.

5. The Government noted that Article 1224 of the Civil Code provided that statutory interest accrued in the event of the delayed payment of monetary obligations and that creditors who proved that they had suffered further damage were entitled to additional compensation, while Article 1277 provided that monetary obligations were to be discharged at their nominal value.

6. According to the Government, the applicants could have sought an adjustment for inflation under Article 1224 of the Civil Code by proving that they had suffered additional damage. In the domestic system, in the absence of a specific claim and relevant evidence, statutory interest was deemed sufficient to compensate for inflation. Had the applicants requested compensation in respect of additional damage and succeeded in proving that they had sustained it, adjustments for inflation would have been granted.

7. The applicants accepted that they had made, in broad terms, a general request for the amount of their claims to be revalued and had failed to lodge a request or a valid request for compensation in respect of additional damage under Article 1224 of the Civil Code.

8. At the same time, the applicants complained that the compensation awarded to them had not been properly adjusted for inflation or increased in accordance with the interest accruing annually on the relevant amounts. They maintained that they had made use of an effective and available remedy before the national courts, thereby giving the Italian State a genuine opportunity to redress the violation they had suffered.

9. The relevant domestic law and practice relating to expropriation can be found in *Guiso-Gallisay v. Italy* (just satisfaction) [GC], no. 58858/00, §§ 18-44, 22 December 2009).

10. The Court reiterates that the obligation to exhaust domestic remedies requires that the complaints intended to be made subsequently in Strasbourg should have been made to the appropriate domestic body, at least in substance and in compliance with the formal requirements and time-limits laid down in domestic law (see *Vučković and Others v. Serbia* (preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 72 and 80, 25 March 2014, with further references). Applicants must comply with the applicable rules and procedures of domestic law, failing which their application is likely to fall foul of the condition laid down in Article 35 (*idem*., §§ 72 and 80).

11. The Court notes that the applicants either failed to formulate, or did not clearly formulate, a claim under Article 1224 of the Civil Code, meaning that such a complaint was therefore not articulated before the domestic courts (see the appended table for details).

12. The Court reiterates that, according to the Court of Cassation's settled case-law, in the Italian system the payment of expropriation compensation constitutes a monetary debt (*debito di valuta*). Where there is a failure to pay a monetary debt or a delay in payment, under Article 1224 of the Civil Code, further compensation can only be awarded if the creditor proves that he or she has suffered additional damage exceeding the amount of statutory interest as a result of the delayed payment. Otherwise, the creditor is only entitled to statutory interest. In the light of the Court of Cassation's case-law (see the Combined Divisions of the Court of Cassation's judgment no. 19499 of 2008; see also the Court of Cassation's judgments nos. 6467 of 1998, 3738 of 2012 and 19775 of 2024), the creditor cannot claim both an adjustment for inflation and statutory interest. The creditor must therefore expressly raise a claim and prove that he or she suffered specific damage as a result of inflation (with the possibility of relying on certain presumptions in his or her claim). Otherwise, the statutory interest rate is deemed an appropriate instrument with which to adjust the sum for inflation.

13. As to the issue of admissibility, the Court reiterates that, in order to properly exhaust domestic remedies, it is not sufficient for a violation of the Convention to be "evident" from the facts of the case or the applicant's submissions. Nor is the existence of mere doubts as to the prospects of success of a particular remedy which is not obviously futile a valid reason for failing to exhaust that avenue of redress (see *Akdivar and Others v. Turkey*, 16 September 1996, § 71, *Reports of Judgments and Decisions* 1996-IV, and *Scoppola v. Italy (no. 2)* [GC], no. 10249/03, § 70, 17 September 2009).

14. Nothing in the case files suggests that the authorities would not have afforded the applicants a genuine opportunity to obtain redress for their grievances, if all the requirements provided by the law had been met (compare *Cocchiarella v. Italy* [GC], no. 64886/01, § 41, ECHR 2006-V).

15. The applicants could have lodged a specific claim in compliance with the rules governing domestic remedies under Article 1224 § 2 of the Civil Code, but they failed to do so. Consequently, the available domestic remedies were not properly exhausted, as found by the Court of Cassation in each of the sets of domestic proceedings.

16. Accordingly, the applications must be declared inadmissible for non-exhaustion of domestic remedies, pursuant to Article 35 §§ 1 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 30 April 2026.

Liv Tigerstedt Deputy Registrar	Erik Wennerström President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Notes
1.	62222/14	Dimo and Others v. Italy	08/09/2014	**Giuseppe DIMO** 1959 Parabita Italian **Valeria DIMO** 1983 Gallipoli Italian **Maria SARCINELLA** 1970 Gallipoli Italian	Iolanda DE FRANCESCO	The applicants are heirs of Alfredo Dimo, who owned a plot of land in Matino (Lecce) with a surface area of 36,410 sq. m. Following judicial proceedings concerning the determination of the compensation due for the expropriation of the property, the applicants were ultimately awarded 211,639 euros (EUR), plus statutory interest, in total EUR 453,258.91. The Court of Cassation partially upheld the lower courts' findings, reducing the amount granted on appeal on the grounds that the applicants had not properly raised a claim under Article 1224 of the Civil Code.
2.	7719/15	Trapani Lombardo and Others v. Italy	05/02/2015	**Antonio TRAPANI LOMBARDO** 1949 Rome Italian **Luigi DONATO** 1955	Ginevra PAOLETTI	The case concerns a plot of land measuring 3,925 sq. m., which was occupied in 1973 for the purposes of constructing public housing. In 1982 the parties concluded a voluntary transfer agreement, under which the applicants received partial advance compensation and the authorities undertook to pay an adjustment based on the land's market value.

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Notes
				Rome Italian **Antonio TRAPANI LOMBARDO** 1952 Reggio de Calabre Italian **Maria Concetta TRAPANI LOMBARDO** 1953 Rome Italian **Maria Concetta TRAPANI LOMBARDO** 1954 Pérouse Italian **Vincenzo TRAPANI LOMBARDO** 1950 Reggio de Calabre		The amounts awarded were calculated using statutory criteria and were increased only in accordance with the statutory interest rate. The Supreme Court did not award more than statutory interest, finding that the claim for additional damages had been raised after the procedural time-limit and had thus not been properly raised under Article 1224 of the Civil Code.

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Notes
				Italian		
3.	47693/18	Garrafa and Others v. Italy	28/09/2018	**Michele GARRAFA** 1973 Cosence Italian **Ghita GARRAFA** 1976 Consence Italian **Maria Pia GARRAFA** 1942 Brescia Italian **Vincenza GARRAFA** 1945 Roges Italian **Virginia GARRAFA** 1970 Rome Italian **Basiliola IANNOTTA**	Fabio GULLOTTA	Michele Garrafa, the original owner of the land, challenged the expropriation of his land for the purposes of constructing a railway line, a project that had been approved in 1984 as a project of public utility. A complex and prolonged series of proceedings ensued, which were continued by the heirs following his death in 1993. By a judgment delivered in 2017, which became final in 2018, the Court of Appeal held that additional expropriation compensation of EUR 15,335.44 should be paid, together with statutory interest from 31 May 1989 until the date of payment, in addition to the amounts previously awarded. The applicants did not raise a claim under Article 1224 of the Civil Code and did not challenge the Court of Appeal's judgment.

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Notes
				1944 Cosence Italian		
4.	37680/19	Bardazzi and Bigagli v. Italy	27/06/2019	**Marcella BARDAZZI** 1955 Prato Italian **Sauro Egisto BIGAGLI** 1955 Prato Italian	Franco Bruno CAMPAGNI	The applicants owned a 3,575 sq. m parcel of land in the municipality of Prato, which was originally classified as agricultural under the 2001 Urban Planning Regulation. Judicial proceedings to determine "fair compensation" (*giusta indennità*) for its expropriation commenced in 2012. The Supreme Court did not award statutory interest, because the applicants had never raised a claim in that regard.
5.	29620/20	Viscardi and Others v. Italy	13/07/2020	**Pietro VISCARDI** 1942 Monza Italian **Antonio VISCARDI** 1972 Milan Italian **Tommaso VISCARDI** 1974 Milan Italian	Gaetano ALFARANO	The case concerns the expropriation of land owned by Pietro Viscardi ("the first applicant") in Lissone. Legal proceedings began in 2005 when he challenged the compensation offered to him for the expropriation. In 2014 the Milan Court of Appeal set the amount of expropriation compensation, rejecting claims of a revaluation of the expropriated land and for compensation in respect of a depreciation in value of the residual land still in the first applicant's possession (transferred to his sons, the second and third applicants, in 2014). The first applicant appealed to the Court of Cassation, contesting the reduction in compensation, but he did not raise the issue of a revaluation of the expropriated land.

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Notes
						The Court of Cassation dismissed the appeal, upheld the lower court's decision, and ordered the first applicant to pay legal costs and additional fees.