



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

FIRST SECTION

DECISION

Application no. 58442/09
Giuseppa D'ALBA against Italy
and 9 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 19 September 2024 as a Committee composed of:

Krzysztof Wojtyczek, *President*,

Lətif Hüseynov,

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"). In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

The applicant, Ms Giuseppa d'Alba, died after the institution of the proceedings before the Court. Her heirs (see the appended table below) wished to pursue the application. The Government did not object against the *locus standi* of the heirs in the proceedings.

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 Court firstly takes note of the information regarding the death of the applicant, Ms Giuseppa d'Alba, and the wish of her heirs to continue the proceedings in her stead, as well as the absence of an objection on the Government's part to their standing. Therefore, the Court considers that the heirs of Ms Giuseppa d'Alba, as indicated in the table below, have a legitimate interest in pursuing the application.

The Court further notes that the Government informed it 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 "Pinto" domestic decisions. In some of the applications, they further acknowledged that the domestic authorities had violated the applicants' rights guaranteed by other provisions of the Convention (see for relevant details the attached table). 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 them 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 “Pinto” domestic decisions (see, for example, *Gaglione and Others v. Italy*, nos. 45867/07 and 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;

Decides that the heirs of Mr Giuseppa d’Alba have *locus standi* in the proceedings;

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 10 October 2024.

Viktoriya Maradudina
Acting Deputy Registrar

Krzysztof Wojtyczek
President

D'ALBA v. ITALY AND OTHER APPLICATIONS DECISION

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. Date of introduction	Applicant's name Year of birth	Representative's name and location	Other complaints under well-established case-law	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.	58442/09 26/10/2009	Giuseppa D'ALBA 1935 Died in 2012 Heirs: Giovanni BARONE 1959 Mario BARONE 1963 Rosalia BARONE Born in 1975	Di Salvo Federico Florence	Art. 6 (1) - excessive length of civil proceedings - the excessive length of the main proceedings since the Pinto decision acknowledging the violation and awarding compensation has not been enforced to date (Cocchiarella v. Italy [GC], no. 64886/01, § 87-90, ECHR 2006-V) Art. 6 (1) - excessive length of civil proceedings - The applicant complains about the excessive length of the Pinto proceedings since the Pinto decision acknowledging the violation and awarding compensation has not yet been enforced by the Government (Gagliano Giorgi v. Italy, no. 23563/07, § 73-76, ECHR 2012).	06/05/2024	08/06/2024	200	30
2.	17852/23 26/04/2023 (3 applicants)	Maria Teresa Lucia SERGIO 1944 Linda CANGELMI 1958	Abbate Ferdinando Emilio Rome		06/05/2024		200	30

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		Vittoria DAMMICO 1951						
3.	20537/23 17/05/2023	Eugenio SCORZA 1953	Falbo Cristina Cosence		06/05/2024		200	30
4.	21108/23 17/05/2023 (11 applicants)	Maria Domenica GUERRA 1958 Alessandra BONETTI 1965 Rosa Anna CAPOGROSSI 1954 Donatella GLORIA 1960 Franco GROSSI 1941 Maria Pia NEVOLA 1955 Marcella PRENCIPE 1956	Abbate Ferdinando Emilio Rome		06/05/2024		200	30

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		Maria Rita RISCALDATI 1964 Antonio RUSSO 1946 Immacolata Maria SCURTI 1951 Patrizia SERGIO 1960						
5.	26598/23 29/06/2023	Delia MASSA D'ELIA 1969	Pasquariello Gianpiero Caserte		06/05/2024		200	30
6.	29864/23 01/06/2023 (52 applicants)	Giovanni ABBRACCIAVEN TO 1942 Carmelo ARENA 1954 Ignazio BARONE 1961 Diego BARRACO 1963 Giovanni BIGICA	Savoca Alessandro Palerme	Art. 6 (1) - excessive length of civil proceedings - the excessive length of the main proceedings since the Pinto decision acknowledging the violation and awarding compensation has not been enforced to date (Cocchiarella v. Italy [GC], no. 64886/01, § 87-90, ECHR 2006-V).	06/05/2024	03/06/2024	200	30

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		1961 Vincenzo CALCAGNO 1954 Sigismundo CALDARERI 1957 Tommaso CALIÒ 1964 Antonino CALTAGIRONE 1959 Gaetano CAMPIONE 1959 Giuseppe CANNAVÒ 1964 Giovanni CAPOBIANCO 1961 Gaetano CAPPELLANO 1962 Umberto CARRATÙ						

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		1965 Arturo COMPAGNONI 1957 Carmelo CUMBO 1954 Carmelo CUNSOLO 1965 Giuseppe D'ANNA 1961 Salvatore DI GIORGIO 1959 Mario Salvatore GIUFFRIDA 1963 Maurizio GUARNERI 1960 Leonardo GUIDOTTI 1962 Vincenzo LANZALACO 1955						

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		Vincenzo LO MEDICO 1965 Giovanni MANISCALCO 1958 Domenico MARASCA 1956 Salvatore MARINO 1965 Pietro MAZZARA 1962 Antonio MESCOLO 1962 Salvatore MIGLIORE 1959 Stefano MIGLIORE 1956 Salvatore Innocenzo MIOSI 1956						

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		Giovanni NIGRO 1963 Carmelo ODDO 1961 Pasquale PARRUCHELLA 1964 Francesco Paolo PASSANTINO 1958 Alfredo PIACENTINO 1965 Dario PISCITELLO 1961 Angelo PITTI 1964 Antonio PULIZZOTTO 1959 Giuseppe PULVIRENTI 1959						

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		<p>Oronzo PUTIGNANO 1956</p> <p>Benedetto RUBINO 1953</p> <p>Augusto SAROLI 1967</p> <p>Gaetano Maurizio SCIALABBA 1962</p> <p>Antonio SPERANZA 1965</p> <p>Raimondo SPEZIO 1957</p> <p>Oronzo TARANTINO 1964</p> <p>Aldo TEDESCHI 1962</p> <p>Loreto VARA 1955</p> <p>Massimo VECCE 1962</p>						

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		Giuseppe VOLPE 1961						
7.	35097/23 01/08/2018	Alfonso IANNICELLI 1962	Frisani Pietro Florence		06/05/2024		200	30
8.	35098/23 24/07/2019	Francesco MATTIELLO 1974	Frisani Pietro Florence		06/05/2024		200	30
9.	35100/23 24/07/2019	Yashmina PERRA 1984	Frisani Pietro Florence		06/05/2024		200	30
10.	35128/23 12/09/2023	Domenico DI GIACOMO 1955	Abbate Ferdinando Emilio Rome		06/05/2024		200	30

¹ Plus any tax that may be chargeable to the applicant

² Plus any tax that may be chargeable to the applicant