FIRST SECTION

DECISION

Application no. 26056/07
Rosario ADAMI and Others
 against Italy

The European Court of Human Rights (First Section), sitting on 16 May 2019 as a Committee composed of:

 Aleš Pejchal, *President,* Jovan Ilievski, Gilberto Felici, *judges,*

and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 15 June 2007,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants were represented by Mr Giuseppe Ferraro, a lawyer practising in Naples.

The applicants’ complaint under Article 6 of the Convention concerning the legislative interference pending judicial proceedings in respect of all the applicants listed in the appendices were communicated to the Italian Government (“the Government”).

THE LAW

The Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by this complaint with respect to the applicants listed in Appendix I. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged the legislative interference pending judicial proceedings in respect of the applicants listed in Appendix I. They offered to pay the applicants the amounts detailed in Appendix I and invited the Court to strike the application 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 payment will constitute the final resolution of the case with respect to the applicants listed in the Appendix I.

The applicants listed in Appendix I were sent the terms of the Government’s unilateral declaration on 25 October 2017. The Court has received a response from the applicants’ representative not accepting the terms of the declaration.

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 case to be continued (see, in particular, *Tahsin Acar v. Turkey* (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 legislative interference pending judicial proceedings in Italy (see, for example, *Arras and Others v. Italy*, no. 17972/07, 14 February 2012; *Natale and Others v. Italy*, no. 19264/07, 15 October 2013; and *Casacchia and Others v. Italy*, nos. 23658/07 and 2 others, 15 October 2013).

Noting the admissions contained in the Government’s declaration 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 application (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 application with respect to the applicants listed in Appendix I (Article 37 § 1 *in fine*).

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

As regards the applicants listed in Appendix II, the Court notes that they died and no heirs have come forward.

Accordingly, the Court considers that it is no longer justified to continue the examination of the application with respect to these applicants (Article 37 § 1 (c)).

In view of the above, it is appropriate to strike the case out of the list as regards the applicants concerned by the unilateral declaration as well as the deceased applicants (see Appendices I and II).

As regards the applicants listed in Appendix III, the Court notes that they did not provide the information requested when the case was communicated in order to demonstrate their victim status for the purposes of this complaint under the Convention.

Having regard to its findings, the Court considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, this complaint does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention.

It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

*Takes note* of the terms of the respondent Government’s declaration concerning the applicants listed in Appendix I, and of the arrangements for ensuring compliance with the undertakings referred to therein;

*Decides* to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention with respect to the applicants listed in Appendices I and II;

*Declares* the application inadmissible as regards the applicants listed in Appendix III.

Done in English and notified in writing on 6 June 2019.

 Liv Tigerstedt Aleš Pejchal
 Acting Deputy Registrar President

APPENDIX

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Application no.Date of introduction | Applicant’s nameDate of birth | Date of receipt of Government’s declaration | Date of receipt of applicant’s comments, if any | Amount awarded for pecuniary damage per applicant/household(in euros)[[1]](#footnote-1) | Amount awarded for costs and expenses per application(in euros)[[2]](#footnote-2) |
| 26056/0715/06/2007 | **Anna AIELLO**07/09/1924**Anna Maria BADOLATO**27/11/1924**Francesco BERETTA**09/09/1925**Alfio BIONDI**12/02/1942**Brunetto BRUNELLI**20/10/1920**Salvatore CALDERONI**23/12/1935**Cataldo CAPANO**12/03/1939**Carmen CARVELLI**06/12/1919**Maria Michele CIANI**04/04/1946**Angelo CONSOLE**09/10/1940**Giuseppina****DE GENNARO**03/07/1992**Cosimo DE LUCA**05/02/1933**Marisa DE NAPOLI**19/06/1947**Maria DE NICOLA**13/09/1925**Vito Filippo DE SANTIS**25/11/1937**Dario DI MATTIA**25/05/1928**Maria Iolanda DIONISIO**06/02/1923**Francesco FALCO**27/02/1922**Ercole FARRUGIA**23/06/1941**Pierluigi FERRATI**21/06/1931**Vincenzo GAETANIELLO**23/01/1933**Mario Egisto GERINI**03/02/1933**Edda GHERSEVICH**19/02/1934**Bruna GIORDANO**21/10/1948**Tito Italo GRECO**30/03/1941**Lidia IANNELLI**20/07/1924**Lydia IUZZOLINO**26/08/1941**Filomena LIBERTINI**15/03/1937**Lucia LIBERTINI**26/12/1941**Grazia MARESCA**04/06/1924**Maria MAURO**13/07/1946**Luigi MAZZITELLI**24/09/1934**Maria MICHELUTTI**05/02/1918**Iolanda MODOLO**14/11/1925**Elda MONTANARI**10/06/1923**Giuseppe PANTANO**12/11/1921**Elena PARRELLA**13/12/1935**Marco Mario PASANISI**25/04/1940**Luigi PERELLI**19/05/1930**Maria PETRACCONE**27/08/1941**Mario PIAZZOLLA**18/01/1938**Marianna PODDA**21/07/1942**Iole Maria POL**13/10/1926**Atos PORCU**11/03/1937**Giovanni PRIVITERA**20/12/1929**Emilia RADDINO**14/09/1915**Rosanna****RAGOZZINO**26/04/1951**Carmine ROSSI**07/01/1922**Liliana SALVI**15/07/1926**Ugo SANTORO**21/11/1934**Stefano SODANO**14/05/1938**Grazia Maria SOLINAS**18/12/1931**Aldo TANGO**01/12/1924**Giorgio TERSIGNI**17/11/1931**Mario TROTTA**14/11/1932**Giuseppina VALENTE**25/02/1920**Luigi VECCHIONE**17/03/1937**Gidemore VIAGGIO**01/11/1934 | 25/10/2017 | 05/03/2018 | 4,5004,6008,7006,9006,3006,3006,0006,1004,7006,5006,1006,6005,0004,6007,0006,8005,3009,7004,8004,7006,1004,4006,4004,9005,8004,3005,4004,2004,2008,6004,2005,60015,2005,2004,1009,0005,0006,6006,2005,4006,1007,9005,6006,3008,8005,7004,2007,2004,6005,4007,7006,40011,2005,0006,8006,0004,5006,200 | 200 |

**APPENDIX II**

 **Name Date of birth - date of demise**

1. Mario TROTTA 14/11/1932 – 04/02/2017
2. Grazia MARESCA 04/06/1924 – 25/07/2012

**APPENDIX III**

 **Name Date of birth**

1. Rosario ADAMI 25/06/1943
2. Giancarlo ADAMI 07/04/1946
3. Donatella ADAMI 04/11/1955
4. Fernanda BERNONI 21/09/1915
5. Concetta BORZACCHIELLO 07/06/1936
6. Roberto BOSSI 20/11/1953
7. Giovanna D’AGOSTINO 02/08/1927
8. Alessandro DALL’AGLIO 13/02/1965
9. Stefania DALL’AGLIO 20/04/1968
10. Isabella D’AYALA VALVA 10/06/1930
11. Alessandro DE FABRITIIS 28/06/1940
12. Paolo DE FABRITIIS 30/11/1954
13. Annarosa DE FABRITIIS 30/06/1957
14. Rosaria DI NOZZI 07/09/1954
15. Nicola IACONISI 21/09/1951
16. Gianfranco IACONIS 01/01/1956
17. Caterina LECCESE 13/06/1921
18. Renata MARINI 30/05/1924
19. Guido MAZZA 12/07/1945
20. Giusta ORIONI 23/09/1938
21. Paolo SAVARESE 28/10/1958
22. Riccardo SAVARESE 28/04/1960
23. Maria TESTA 07/12/1955
24. Antonio TESTA 12/06/1959
25. Luigi ZAMPI 01/06/1967
26. Alessandro ZAMPI 30/01/1969
27. Francesca ZAMPI 14/06/1970
28. Barbara ZAMPI 13/01/1977
29. Valeria ZAMPI 13/01/1977
1. .  Plus any tax that may be chargeable.

2.  Plus any tax that may be chargeable to the applicants. [↑](#footnote-ref-1)
2. \* [↑](#footnote-ref-2)