



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

FIRST SECTION

DECISION

Application no. 13022/08
Francesca DE RISO and Rosa CAPIALBI
against Italy
(see appended table)

The European Court of Human Rights (First Section), sitting on 26 August 2021 as a Committee composed of:

Erik Wennerström, *President*,

Lorraine Schembri Orland,

Ioannis Ktistakis, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 10 March 2008,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants were represented by Mr M. De Stefano, a lawyer practising in Rome.

The applicants' complaints under Article 1 of Protocol No. 1 of the Convention concerning expropriation procedure were communicated to the Italian Government ("the Government").

The first applicant, Ms Francesca de Riso, 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 Court received the friendly-settlement declarations, signed by the parties, under which the second applicant and heirs of the first applicant agreed to waive any further claims against Italy in respect of the facts giving rise to this application, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will 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 undertake 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.

THE LAW

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

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the application.

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

For these reasons, the Court, unanimously,

Decides that the heirs of Ms Francesca de Riso have *locus standi* in the proceedings;

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 16 September 2021.

{signature_p_2}

Viktoriya Maradudina
Acting Deputy Registrar

Erik Wennerström
President

APPENDIX

Application raising complaints under Article 1 of Protocol No. 1 of the Convention
(expropriation proceedings)

| Application no. Date of introduction | Applicant's name Year of birth | Representative's name and location | Date of receipt of Government's declaration | Date of receipt of Applicant's declaration | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses (in euros) ¹ |
|--|--|---------------------------------------|---|---|---|
| 13022/08 10/03/2008 | Francesca DE RISO 1928 deceased on 29/08/2020 Heirs Riccardo DE RISO PAPARO 1959 Alessandro DE RISO 1969 Caterina DE RISO 1957 Francesca DE RISO 1953 Giovanna DE RISO 1972 Anna DE RISO PAPARO 1966 Caterina DE RISO 1969 Francesca DE RISO 1969 Renata DE RISO 1971 | De Stefano Maurizio Rome | 08/06/2021 | 28/06/2021 | 160,166 euros to the heirs of Francesca DE RISO ----- |

DE RISO AND CAPIALBI v. ITALY DECISION

| Application no. Date of introduction | Applicant's name Year of birth | Representative's name and location | Date of receipt of Government's declaration | Date of receipt of Applicant's declaration | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses (in euros) ¹ |
|--|-----------------------------------|---------------------------------------|---|---|---|
| | Rosa CAPIALBI 1931 | | | | 22,781 euros to Rosa CAPIALBI |

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