FIRST SECTION

DECISION

Application no. 1874/07
Abramo LORINI
against Italy

The European Court of Human Rights (First Section), sitting on 16 November 2021 as a Committee composed of:

 Péter Paczolay, *President,* Gilberto Felici, Raffaele Sabato, *judges,*
and Liv Tigerstedt, *Deputy* *Section Registrar,*

Having regard to:

the application (no. 1874/07) against Italy lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 9 January 2007 by an Italian national, Mr Abramo Lorini, who was born in 1919 and lived in Borgo San Lorenzo (“the applicant”), and who was represented by Mr P.F. Lotito, a lawyer practising in Florence;

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 former Agent, Ms E. Spatafora, their former co‑Agent, Ms P. Accardo, their Agent, Mr L. D’Ascia, and Mr E. Manzo, State Attorney, and to declare inadmissible the remainder of the application;

the parties’ observations;

Having deliberated, decides as follows:

1. SUBJECT-MATTER OF THE CASE

1.  The applicant was the owner of a plot of land in respect of which several expropriation orders were issued.

2.  He brought proceedings before the domestic courts arguing that the sums offered to him as expropriation compensation by the expropriating authorities did not reflect the market value of the land.

3.  The domestic courts calculated the expropriation compensation due to the applicant under Section 5 *bis* of Law no. 359 of 1992 (see *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 56-59, ECHR 2006‑V). The final domestic decision in the case was issued on 11 July 2006. Section 5 *bis* of Law no. 359 of 1992 was declared unconstitutional by the Italian Constitutional Court in 2007.

4.  The applicant complained under Article 1 of Protocol No. 1 that he had borne a disproportionate burden on account of the inadequate amount of the expropriation compensation awarded to him.

5.  By a letter of 25 July 2016, the Registry invited the applicant’s representative to inform the Court of any developments in the case. The applicant’s representative replied that no developments had occurred.

6.  On 9 November 2017, the application was communicated to the respondent Government.

7.  By a letter of 12 March 2018, the Government informed the Court that the applicant had died on 30 May 2008 and noted that no heirs had come forward expressing an intention to pursue the proceedings before the Court.

8.  By a letter of 21 March 2018, the applicant’s representative informed the Court that the applicant’s daughters wished to pursue the proceedings before the Court in their late father’s stead.

1. THE COURT’S ASSESSMENT

9.  In their observations, the Government highlighted that the applicant’s representative had failed to inform the Court of the applicant’s death in a timely fashion and that the applicant’s daughters had expressed their wish to join the proceedings before the Court ten years after their father’s death.

10.  In the observations in reply, the applicant’s representative furnished evidence of the applicant’s daughters’ status as heirs under domestic law and pointed out that under Italian law, in the event of the death of a party to ongoing proceedings before domestic courts, the party’s heirs do not have to comply with any formalities in order to pursue the proceedings in the deceased’s stead.

11.  Although the Government did not expressly raise the question of whether the failure to disclose the applicant’s death by his representative may constitute an abuse of the right of individual application, the Court finds it appropriate address the issue of its own motion, as it has done in previous cases (see *Dimo Dimov and Others v. Bulgaria*, no. 30044/10, § 41, 7 July 2020, with further references).

12.  The general principles concerning the rejection of an application on grounds of abuse of the right of individual application have been summarised in *Gross v. Switzerland* ([GC], no. 67810/10, § 28, ECHR 2014). In particular, the Court highlights that an application may be rejected as abusive if new, important developments have occurred during the proceedings before the Court and where, despite being expressly required to do so by Rule 47 § 7 of the Rules of Court, the applicant has failed to disclose that information to the Court, thereby preventing it from ruling on the case in full knowledge of the facts (*ibid*.).

13.  Turning to the facts of the present case, the Court notes that the applicant’s representative was explicitly invited by the Court to provide information on any developments concerning the case prior to giving notice of the application to the respondent Government, and the representative replied that no developments had occurred. It was the Government, following the communication of the case, that informed the Court that the applicant had died almost ten years earlier.

14.  Having regard to the importance of the information at issue for the proper determination of the present case, the Court finds that such conduct was contrary to the purpose of the right of individual application and amounted to an abuse of that right within the meaning of Article 35 § 3 (a) of the Convention. The application must therefore be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

*Declares* the application inadmissible.

Done in English and notified in writing on 9 December 2021.

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 Liv Tigerstedt Péter Paczolay
 Deputy Registrar President