



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

FIRST SECTION

DECISION

Application no. 79696/13
Giacomo PANSITTA and Others
against Italy
(see appended table)

The European Court of Human Rights (First Section), sitting on 8 April 2021 as a Committee composed of:

Alena Poláčková, *President*,

Péter Paczolay,

Gilberto Felici, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 28 November 2013,

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 table.

The applicants were represented by Mr A. Saccucci, a lawyer practising in Rome.

The applicants' complaints under Articles 11, 13 and 14 of the Convention concerning the ban imposed on the Revenue Police (*Guardia di Finanza*) by section 1475 § 2 of the Legislative Decree no. 66/2010 to form trade unions 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 these

complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged the violation of Article 11 of the Convention, until the date of the Constitutional Court's judgement declaring the law at stake partially unconstitutional (judgment no. 120 of 13 June 2018). They considered that, in this respect, finding the violation constitutes sufficient just satisfaction. They also offered to pay the applicants 5,000 euros (EUR) jointly for costs and expenses. The amounts would be payable within three months from the date of notification of the Court's decision.

The payment will constitute the final resolution of the case.

The applicants were sent the terms of the Government's unilateral declaration several weeks before the date of this decision. The Court has not received a response from the applicants 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, 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 applicants' freedom of association (see, for example, *Matelly v. France*, no. 10609/10, 2 October 2014, *Demir and Baykara v. Turkey* [GC], no. 34503/97, ECHR 2008 and *National Union of Belgian Police v. Belgium*, 27 October 1975, § 39, Series A no. 19).

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 in the part covered by the unilateral declaration (Article 37 § 1 *in fine*).

Finally, 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 (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list as regards the complaint raised under Article 11 of the Convention.

The applicants also raised other complaints under Articles 13 and 14 of the Convention.

The Court has examined the application and 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, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

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 in so far as they concern the complaints raised under Article 11 of the Convention, and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike this part of the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the application inadmissible.

Done in English and notified in writing on 29 April 2021.

{signature_p_2}

Viktoriya Maradudina
Acting Deputy Registrar

Alena Poláčková
President

PANSITTA AND OTHERS v. ITALY DECISION

APPENDIX

Application raising complaints under Article 11 of the Convention
 (ban imposed by law on the applicants, members of the Revenue Police (*Guardia di Finanza*), to form trade unions)

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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
79696/13 28/11/2013 (397 applicants)	Giacomo PANSITTA 1971 Nicola D'ALBA 1976 Carmine FERRANTE 1970 Francesco MAZZOCCHI 1971 Gianluca SUNDA 1967 Tommaso TODARO 1968 Francesco ZAVATTOLO 1971 Nunzio ABATE 1964 Gianluca ACQUAVIVA 1968 Antonio ADDESSE 1976 Marcello ADINOLFI 1966 Roberto AGASUCCI 1969 Cosimo Vito ALBANO 1958 Pierluigi ALBERTINI 1967	Saccucci Andrea Rome	19/11/2020	07/01/2021	5,000 EUR

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Luigi ALEARDI 1972 Rocco ALESSIO 1967 Claudio AMATO 1965 Giorgio ANGELINO 1981 Lucio ANNARUMMA 1973 Nicola APICELLA 1964 Pierpaolo ARNOLD 1967 Luigi ARZANO 1985 Nicola BALBO 1981 Danilo BALDONI 1972 Giovanni BARRALE 1964 Basilio BARRECA 1964 Bruno BARTOLONI 1964 Luca BARTALONI 1964 Alessio BASILI 1974 Leandro BATTAGLIA 1970 Giulio BATTAGLINI 1968 Manuel Maria BELISARDI 1979				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Nicola BELLOPEDE 1969				
	Dino BERALDO 1967				
	Sergio BERNARDINI 1971				
	Franco BERTAGNOLLI 1963				
	Antonio BEVACQUA 1967				
	Cesare BIANCHI 1961				
	Christian BIANCO 1978				
	Alessandro BIZZARRI 1975				
	Gaetano BLASI 1977				
	Marco BOCCACCI 1962				
	Luca BOERO 1975				
	Mauro BORGHINO 1970				
	Mauro BORRELLI 1979				
	Giovanni BORSCI 1960				
	Luigi BRAMATO 1964				
	Carmelo BUCCA 1963				
	Giovanni BUONAIUTO 1968				
	Filippo CADDEO 1978				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Salvatore CAIAZZA 1975				
	Luca CAIONE 1966				
	Giovanni CALABRESE 1975				
	Rosario CALANDRINO 1985				
	Massimo CALATI 1970				
	Francesco CALENZO 1976				
	Stefano CALLAI 1976				
	Raffaele CAMBERLINGO 1964				
	Bartolomeo CAMMARINO 1977				
	Emanuele Concetto CAMPAGNA 1990				
	Riccardo CAMPANELLI 1972				
	Pasquale CANNAVACCIUOLO 1972				
	Roberto CANNAVALE 1964				
	Aristide CANOVA 1974				
	Enrico CANTA 1978				
	Raffaele CAPASSO 1970				
	Piercarlo CAPPELLINO 1960				
	Patrick CAPRI 1971				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Davide CARANNANTE 1972				
	Tommaso CARBONE 1973				
	Michele Antonio CARETTO 1957				
	Antonio CARFORA 1969				
	Massimo CARLESI 1965				
	Claudio CARLINI 1974				
	Giuseppe CAROLI 1972				
	Luigi CARROZZO MAGLI 1965				
	Giuseppe CASAMASSIMA 1984				
	Luigi Matteo CASCAVILLO 1970				
	Arcangelo CASO 1973				
	Stefano CASTELLI 1963				
	Stefania CASTRICONE 1973				
	Gennaro Ciro CAVALIERE 1981				
	Amedeo Salvatore CELENTANO 1967				
	Giuseppe CERCHIO 1981				
	Vincenzo CETANI 1958				
	Loris CHIARAMELLO 1966				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Mario CHIOCCINI 1966				
	Vittorio CICCHIELLO 1976				
	Luca CICERO 1972				
	Francesco CILIONE 1981				
	Giuseppe CIMINO 1975				
	Agostino CIMMINO 1970				
	Francesco CIOLA 1962				
	Domenico CIPOLLA 1975				
	Massimo CIPOLLA 1970				
	Vincenzo CLEMENTE 1974				
	Salvatore COLANGELO 1971				
	Piero COLAZZO 1965				
	Roberto COLETTA 1974				
	Alessandro COMITINI 1964				
	Raffaele Marco CONCAS 1974				
	Antonino CONIGLIO 1972				
	Alessandro COPPOLA 1978				
	Angela COPPOLA 1984				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Massimo CORCHIA 1966 Giovanni Angelo CORDOVA 1965 Davide CORSARO 1973 Francesco COSCIA 1975 Massimo COSTA 1973 Salvatore COZZOLINO 1968 Giuseppe CROCAMO 1972 Maurizio CUCCI 1970 Giovanni CULICI 1969 Luigi CUOMO 1971 Patrizio CUOMO 1964 Pierangelo CURRI 1981 Luca D'APOLLONIO 1975 Felice D'AURIA 1970 Franco D'AVANZO 1968 Marco D'ADDIO 1975 Ugo Raffaele DALLERICE 1957 Giuseppe D'ERCHIE 1959				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Rosario DE DOMINICIS 1962				
	Ippazio DE MATTEIS 1964				
	Domenico DE PINTO 1962				
	Corrado DE RUVO 1961				
	Antonio DE VENEZIA 1961				
	Domenico DEL SORBO 1962				
	Dario DELLA PORTA 1970				
	Giorgio DENARO 1969				
	Daniele DI CHIO 1963				
	Enrico DI DIO 1975				
	Rocco DI FILIPPO 1972				
	Cosimo DI FONZO 1970				
	Felice Ruggero DI LELLO 1974				
	Vincenzo DI MATTEO 1958				
	Pasquale DI NARDO 1970				
	Emiliano DI SEGNA 1973				
	Angelo DITTA 1973				
	Donatello DODARO 1972				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Angelo EFRATI 1974				
	Antonino ESPOSITO 1975				
	Leondino ESPOSITO 1972				
	Michele ESPOSITO 1969				
	Stefano FALCONE 1969				
	Paolo FALZETTI 1964				
	Domenico FARETRA 1964				
	Francesco FARINA 1967				
	Roberto FEDELE 1967				
	Cristiano FEDERICI 1970				
	Natalino FERRI 1960				
	Paolo FESTA 1983				
	Giuseppe FILIPPO 1972				
	Maurizio FILIPPONE 1969				
	Paolo FINETTI 1967				
	Roberto FIORI 1974				
	Stefano FOIANO 1957				
	Gianluca FORCELLINO 1973				

PANSITTA AND OTHERS v. ITALY DECISION

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	Joseph FORGIONE 1968				
	Pasquale FRANCIOSO 1971				
	Donato FRATIANNI 1968				
	Massimo FUSCO 1975				
	Antonio FUSILLI 1960				
	Maniello GALASSO 1975				
	Giuseppe GALLINA 1969				
	Armando GALLUCCI 1972				
	Alberico GAMBINO 1962				
	Salvatore GENOVESE 1973				
	Luciano GERVASI 1962				
	Antonio GIANNUZZI 1958				
	Giuseppe GIORDANO 1964				
	Basilio GIUFFRIDA 1957				
	Paolo GOZZERINI 1963				
	Vincenzo GRASSO 1966				
	Teresa GRAVANTE 1982				
	Marco GRAZIANO 1969				

PANSITTA AND OTHERS v. ITALY DECISION

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	Raffaele GRAZIANO 1975				
	Marco GRAZIOLI 1961				
	Martino GRECO 1974				
	Michele GUERRA 1977				
	Gaetano GUERRIERO 1963				
	Alessandro GUTTUSO 1977				
	Cleto IAFRATE 1966				
	Antonio IEZZI 1970				
	Gaetano INSINNA 1964				
	Massimo LA GATTA 1974				
	Giovanni LAI 1975				
	Davide LANFRANCO 1975				
	Gianni LASTELLA 1959				
	Michele LAURO 1971				
	Simone LEDDA 1976				
	Rosario Antonio LEONARDO 1968				
	Massimo Verdo LEONETTI 1972				
	Diego Mario LIBERTO 1968				

PANSITTA AND OTHERS v. ITALY DECISION

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	Filippo LO PRESTI 1969				
	Silvestro LO PRESTI 1963				
	Davide LODDO 1976				
	Massimo LOFFREDI 1967				
	Antonio LOMBARDI 1969				
	Vincenzo LOMBARDO 1957				
	Luigi LOSASSO 1963				
	Giovanni MAGLIE 1969				
	Giovanni MAGLIOLI 1978				
	Arnaldo MALVASO 1959				
	Roberto MANCINI 1971				
	Vincenzo MANDARANO 1965				
	Marco MANGIACAPRA 1984				
	Giacomo MANNINO 1975				
	Bruno MARENCO 1967				
	Alessandro MARGIOTTA 1963				
	Andrea MARONGIU 1972				
	Alessandro MARRA 1979				

PANSITTA AND OTHERS v. ITALY DECISION

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	Valerio MARTINO 1967				
	Ignazio MARTIRADONNA 1965				
	Ilenia MARZO 1980				
	Luca MASPERO 1967				
	Maurizio MASSARENTI 1963				
	Biagio MASTRANGELO 1986				
	Vincenzo MATTEO 1961				
	Marco MAURO 1975				
	Giovanni MAZZARELLA 1964				
	Paolo MAZZEO 1973				
	Luigi Antonio MELIS 1969				
	Luca MELLO 1967				
	Sergio MELONI 1979				
	Marco MENEGAZZO 1968				
	Gian Luca MEOLA 1973				
	Giampaolo MERLANO 1966				
	Cirino MICELI 1966				
	Americo MIGLIACCIO 1971				

PANSITTA AND OTHERS v. ITALY DECISION

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	Domenico MILANESIO 1962				
	Giovanni MINIERI 1974				
	Angelo MONTRANO 1964				
	Emanuele MORCIANO 1981				
	Mauro MORELLI 1962				
	Alessio MORONI 1977				
	Arturo MOZZILLO 1974				
	Giuseppe MUGNO 1964				
	Salvatore MUNDO 1976				
	Pierluigi MUOIO 1981				
	Giuseppe MURRI 1960				
	Giovanni MUSELLA 1959				
	Graziano NADILE 1968				
	Luciano NAPOLITANO 1964				
	Felice NARDIELLO 1970				
	Raffaele NARDONE 1961				
	Donato NARDUCCI 1973				
	Germano NATRELLA 1970				

PANSITTA AND OTHERS v. ITALY DECISION

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	Giuseppe NATUZZI 1971 Daniele NEGRO 1974 Michele OLIVO 1974 Michele Sandokan ORTODOSSO 1976 Lorenzo PACELLA 1968 Mario PAESANI 1970 Luigi PAGLIARO 1973 Luigi PALMA 1963 Pietro PALMAS 1962 Giuseppe PALMISANO 1963 Luigi PALUMBO 1966 Salvatore Giuseppe PANTALEO 1979 Antonio PARADISO 1960 Tommaso PARADISO 1972 Lucio PARISI 1962 Pierpaolo PASCALICCHIO 1978 Antonio PATACCOLI 1972 Pasquale PATELLA 1978				

PANSITTA AND OTHERS v. ITALY DECISION

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	Domenico PAVONE 1966				
	Andrea PERONE 1969				
	Vincenzo PERULLI 1962				
	Mario Vito PESCE 1975				
	Silvio PETRELLI 1969				
	Giovanni PETTERUTI 1970				
	Guglielmo PICCIUTO 1964				
	Pasquale PINTO 1975				
	Mariano PIRAS 1964				
	Fabrizio PISANO 1976				
	Paolo PISCITELLI 1973				
	Matteo PIZZI 1983				
	Francesco POLLIFRONE 1965				
	Rinaldo POMPILI 1960				
	Lorenzo PONTILLO 1977				
	Vincenzo PONZO 1962				
	Renzo PORFIRIO 1960				
	Piero PORTALURI 1975				

PANSITTA AND OTHERS v. ITALY DECISION

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	Salvatore POSA 1970 Luca POVERO 1972 Carmelo PRATICÒ 1969 Nicola PUCILLO 1969 Piero PUOZZO 1972 Giuseppe QUARTA 1970 Giovanni RACANATI 1970 Carolina RAFFAELE 1980 Luca RAGOZZINO 1972 Enrico RAIMONDI 1967 Fabrizio RICCHIELLO 1969 Vincenzo RICCIARDI 1969 Pasquale Maurizio RICCIO 1964 Bruno RIPEPI 1970 Antonio RIZZO 1973 Carlo RIZZO 1970 Michele ROCA 1974 Christian ROLLI 1973				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Antonino ROMEO 1972				
	Michele ROMONDIA 1968				
	Emiliano ROSSI 1976				
	Filippo ROVETTO 1967				
	Francesco RUSSO 1975				
	Gaetano RUSSO 1968				
	Mario RUSSO 1961				
	Eugenio SABATINO 1975				
	Orazio SACCA 1972				
	Michele SACCO 1969				
	Massimiliano SALCE 1964				
	Attilio SALESE 1967				
	Vincenzo SALZANO 1984				
	Flavio SANNA 1976				
	Simone SANSONI 1972				
	Frank SANTINI 1962				
	Maurizio SANTO 1973				
	Antonio SANTORO 1973				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Francesco SANTORO 1976				
	Salvatore SAVASTA 1964				
	Cosimo SCARDINO 1957				
	Emanuele SCARSELLETTA 1965				
	Letterio SCILIBERTO 1960				
	Claudio SCRIMIERI 1973				
	Giovanni SEMERARO 1960				
	Gaspare SENA 1972				
	Pierluigi SERRA 1965				
	Antonio SIANO 1965				
	Michele SIRAVO 1979				
	Domenico SISTI 1974				
	Angelo SORECA 1977				
	Salvatore SORRENTINO 1967				
	Giuseppe SOTTILOTTA 1967				
	Marcello SPADA 1975				
	Vincenzo SPIZZIRRI 1969				
	Ernesto STELLA 1969				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	Vincenzo STELLAVATECASCIO 1960 Antonio STERPETTI 1967 Michele STIMOLA 1963 Pasquale STRIANO 1965 Gianluca TACCALOZZI 1974 Raimondo TAFURI 1970 Giancarlo TANCREDI 1963 Michele TANTULLI 1975 Pietro TAURINO 1967 Eliseo TAVERNA 1966 Salvatore TERRANOVA 1964 Simone TERRERI 1984 Luca TESTA 1975 Daniele TISCI 1968 Giancarlo TOCCI 1960 Roberto TOFANELLI 1974 Fulvio TOIGO 1968 Giuseppe TONDI				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	1975 Michelangelo TONTI				
	1950 Luca TORNELLO				
	1972 Salvatore TORRISI				
	1977 Giuseppe TORTORELLI				
	1973 Pier Luca TOSELLI				
	1965 Mauro TRAMIS				
	1977 Cosimo TRANI				
	1980 Giuseppe TRENTINO				
	1983 Giuseppe TRIA				
	1972 Salvatore TRINX				
	1960 Cesare TROVATO				
	1978 Vincenzo VACCA				
	1960 Luca VALENTE				
	1967 Nicolino VALENTI				
	1964 Domenico VALLEFUOCO				
	1963 Vincenzo Christian VARONE				
	1976 Antonio VECCARI				
	1971 Giovanni VENAFRO				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	1963 Antonio VENTRIGLIA				
	1979 Pietro VENUOLO				
	1971 Alessandro VERALLI				
	1977 Alessandro VERARDO				
	1975 Fabrizio VERCELLI				
	1966 Giovanni VERNA				
	1971 Giuseppe VIGLIOTTI				
	1981 Pietro Paolo VOLLONO				
	1963 Emilio VOLPE				
	1956 Enrico ZACCARIA				
	1973 Mario ZARRILLO				
	1953 Giovanni Antonio ZITO				
	1973 Fabio Pasquale ZUCCO				
	1974 Maurizio ZUMMO				
	1961 Luca CAMILOTTO				
	1965 Giovanni CUTRUPI				
	1967 Mario SPIGA				
	1973 Marcello COFINI				

PANSITTA AND OTHERS 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 comments, if any	Amount awarded for costs and expenses jointly (in euros) ¹
	1963 Carmelo VERSACE 1969 Gaetano MATRECANO 1960 Domenico ZINGARO 1963 Massimo IERO 1971 Michele MAJORANA 1968				

¹ Plus any tax that may be chargeable to the applicant