FIRST SECTION

DECISION

Application no. 50926/09  
Maria GALBO and Giovanna Olga ILARDO against Italy  
and 2 other applications  
(see list appended)

The European Court of Human Rights (First Section), sitting on 13 June 2023 as a Committee composed of:

Péter Paczolay*, President*,  
 Gilberto Felici,  
 Raffaele Sabato*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the applications lodged on the various dates indicated in the appended table,

the declaration submitted by the respondent Government on 19 January 2023 requesting the Court to strike the applications out of the list of cases and the applicants’ reply to that declaration;

Having deliberated, decides as follows:

1. FACTS AND PROCEDURE

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

.  As regards applications nos. 50926/09 and 7480/10, the applicants were represented by Mr Giuseppe Ferraro, a lawyer practising in Naples.

.  The Italian Government (“the Government”) were represented by their Agent, Mr L. D’Ascia.

4.  The applicants’ complaint under Article 6 of the Convention concerning the legislative interference pending judicial proceedings was communicated to the Government.

1. THE LAW

5.  Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

6.  On 19 January 2023 and the Government informed the Court that applicants Maria Galbo (application no. 50926/09) and Carlo Pasquini (application no. 7480/10) had died. The applicants’ representative did not contest that information and no heirs have come forward.

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

.  As concerns the remaining applicants, on 19 January 2023, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these applicants. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

9.  The Government acknowledged the legislative interference pending judicial proceedings. They offered to pay these 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 payment will constitute the final resolution of the case.

.  The applicants were sent the terms of the Government’s unilateral declaration on 24 January 2023. As regards applications nos. 50926/09 and 7480/10, on 20 February 2023 the Court received a response from the applicants’ representative refusing the terms of the declaration. As to application no. 56146/10, the applicant did not reply.

12.  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”.

13.  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).

.  In the present case, the Court takes note of the applicants’ argument that, with regard to certain applicants, the amounts offered are based on a standardised determination of damages. Nevertheless, the Court also notes that only a limited number of applicants have provided individual calculations of the amounts claimed, whereas the remaining ones generically referred to the applicable criteria and claimed that they were unable to submit a precise calculation. The Court recalls that it is for the applicants to prove, as far as possible, not only the existence but also the amount of the damage. Although the Court accepts that a precise calculation of the sums due is not always possible (see, for example, *Kurić and Others v. Slovenia* (just satisfaction) [GC], no. 26828/06, §§ 87-90, ECHR 2014), in the present case it is not convinced by the applicants’ arguments. The existence of the criteria mentioned by the common representative, along with the fact that some of the applicants have provided detailed calculations, indicates that at least an estimate of damages was possible in the present case. In these circumstances, the Court considers that the amounts offered by the Government are consistent with those that the Court would have awarded, based on the criteria adopted in similar cases (see, for example, *Arras and Others*, cited above).

16.  Therefore, noting the admissions contained in the Government’s declaration, as well as the amount of compensation proposed, the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

17.  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 with respect to the applicants concerned (Article 37 § 1 *in fine*).

18.  Furthermore, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the applications 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).

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

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Takes note* of the death of applicants Maria Galbo and Carlo Pasquini and of the absence of any heirs wishing to pursue the proceedings before the Court in their stead;

*Takes note* of the terms of the respondent Government’s declaration concerning the remaining applicants (see the appended table), and of the arrangements for ensuring compliance with the undertakings referred to therein;

*Decides* to strike the applications out of its list of cases.

Done in English and notified in writing on 6 July 2023.

Liv Tigerstedt Péter Paczolay  
 Deputy Registrar President

APPENDIX

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| Application no. Case name  Introduction date | Applicant’s name Year of birth | Amount awarded for pecuniary and non-pecuniary damage per applicant/household (in euros) | Amount awarded for costs and expenses per applicant/household  (in euros) |
| 50926/09 Galbo and Ilardo v. Italy 11/09/2009 | **Giovanna Olga ILARDO** 1937  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Maria GALBO** 1933  Deceased in 2020 | 4,000 | 200 |
| 7480/10 Piccione and Others v. Italy 15/01/2010 | **Italo PICCIONE** 1927  Household **Maria CURTO** 1933 **Massimo CIRIMINNA** 1963 **Maurizio CIRIMINNA** 1968  Household **Fabrizio FIORUCCI** 1963 **Massimiliano FIORUCCI** 1968  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Carlo PASQUINI** 1936  Deceased in 2017 | 4,000  4,000  4,000 | 200  200  200 |
| 56146/10 Marletta v. Italy 21/09/2010 | **Maurizio MARLETTA** 1952 | 4,000 | 200 |