FIRST SECTION

DECISION

Application no. 39312/04  
Giovanni Battista CAPECE MINUTOLO DEL SASSO and Others

against Italy

(see appended table)

The European Court of Human Rights (First Section), sitting on 17 May 2023 as a Committee composed of:

Alena Poláčková*, President*,  
 Gilberto Felici,  
 Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 25 October 2004,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicants’ replies to this declaration,

Having deliberated, decides as follows:

1. FACTS AND PROCEDURE

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

The applicants were represented by Mr G. Romano, a lawyer practising in Rome.

The applicants’ complaint under Article 6 § 1 of the Convention concerning the non-enforcement or delayed enforcement of domestic decision was communicated to the Italian Government (“the Government”).

After unsuccessful friendly-settlement negotiations, the Government submitted a declaration with a view to resolving the issue raised by this complaint. They further requested the Court to strike out the application.

The Government acknowledged the delayed enforcement of the domestic decision. They offered to pay the applicants the amounts detailed in the appended table 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.

The applicants informed the Court that they agreed to the terms of the declaration.

1. THE LAW

The Court finds that, following the applicants’ express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties.

It therefore 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 the 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* 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 8 June 2023.

Viktoriya Maradudina Alena Poláčková  
 Acting Deputy Registrar President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention

(non-enforcement or delayed enforcement of domestic decisions)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Application no. Date of introduction | Applicant’s name  Year of birth | Representative’s name and location | Date of receipt of the Government’s declaration | Date of receipt of the applicants’ acceptance | Amount awarded for non-pecuniary damage  per applicant  (in euros)[[1]](#endnote-1) | Amount awarded for costs and expenses per application  (in euros)[[2]](#endnote-2) |
| 39312/04  25/10/2004  (10 applicants) | **Giovanni Battista CAPECE MINUTOLO DEL SASSO**  1934  **Francesco CAPECE MINUTOLO DEL SASSO**  1931  **Carol Margaret STEWARD**  1942  **Stefano CAPECE MINUTOLO DEL SASSO**  1977  **Camilla CAPECE MINUTOLO DEL SASSO**  1974  **Filippo CAPECE MINUTOLO DEL SASSO**  1938  **Fausta CAPECE MINUTOLO DEL SASSO**  1940  **Maria Rosaria CAPECE MINUTOLO DEL SASSO**  1942  **Luciana CAPECE MINUTOLO DEL SASSO**  1944  **Paola CAPECE MINUTOLO DEL SASSO**  1948 | Romano Giovanni  Rome | 06/01/2023 | 15/02/2023 | 2,400 | 250 |

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