FIRST SECTION

DECISION

Application no. 21391/18
Oscar LOJODICE
against Italy

(see appended table)

The European Court of Human Rights (First Section), sitting on 31 August 2023 as a Committee composed of:

 Krzysztof Wojtyczek*, President*,
 Lətif Hüseynov,
 Ivana Jelić*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 26 April 2018,

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 applicant’s reply to this declaration,

Having deliberated, decides as follows:

1. FACTS AND PROCEDURE

The applicant’s details are set out in the appended table.

The applicant’s complaints under Article 6 § 1 of the Convention concerning the non-enforcement or delayed enforcement of domestic decisions were communicated to the Italian Government (“the Government”).

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

The Government acknowledged the non-enforcement or delayed enforcement of domestic decisions. They offered to pay the applicant 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 Government also undertake to ensure the enforcement of the domestic decisions under consideration (see appended table) within the same three-month period, and to pay any costs of the domestic enforcement proceedings.

The payment and the enforcement of the domestic decisions will constitute the final resolution of the case.

The applicant informed the Court that he agreed to the terms of the declaration.

1. THE LAW

The Court finds that, following the applicant’s 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 21 September 2023.

 Viktoriya Maradudina Krzysztof Wojtyczek
 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 nameYear of birth  | Relevantdomestic decision | Case-law | Date of receipt of Government’s declaration | Date of receipt of applicant’s acceptance | Amount awarded for non‑pecuniary damageper applicant(in euros)[[1]](#endnote-1)  | Amount awarded for costs and expenses per application(in euros)[[2]](#endnote-2)  |
| 21391/1826/04/2018 | **Oscar LOJODICE**1955  | Court of CassationR.G. 2168/11,28/12/2011Lazio RegionalAdministrative Court R.G. 15016/15,26/08/2016 | *A contrario*,*Izzo and**Others*,no. 46141/12,30 May 2017 | 18/10/2022 | 31/05/2023 | 1,350 | 250 |

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