



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

FIRST SECTION

CASE OF PASQUARIELLO v. ITALY

(Application no. 8366/23)

JUDGMENT

STRASBOURG

6 June 2024

This judgment is final but it may be subject to editorial revision.

In the case of Pasquariello v. Italy,

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

Péter Paczolay, *President*,

Gilberto Felici,

Raffaele Sabato, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 16 May 2024,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application 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 February 2023.

2. The applicant was represented by Mr G. Pasquariello, a lawyer practising in Caserta.

3. The Italian Government (“the Government”) were given notice of the application.

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The applicant complained of the non-enforcement of domestic decisions. He also raised other complaints under the provisions of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicant complained principally of the non-enforcement of the domestic decisions given in his favour. He relied on Article 6 § 1 of the Convention.

7. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a “hearing” for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

8. In the leading cases of *Ventorino v. Italy*, no. 357/07, 17 May 2011, *De Trana v. Italy*, no. 64215/01, 16 October 2007, *Nicola Silvestri v. Italy*, no. 16861/02, 9 June 2009, *Antonetto v. Italy*, no. 15918/89, 20 July 2000 and

De Luca v. Italy, no. 43870/04, 24 September 2013, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the authorities did not deploy all necessary efforts to enforce fully and in due time the decisions in the applicant's favour.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

II. REMAINING COMPLAINTS

11. The applicant submitted other complaints under Article 13 of the Convention and Article 1 of Protocol No. 1 concerning the lack or delayed payment of a debt by State authorities and the lack of an effective remedy in domestic law.

12. In view of the findings in the above paragraphs, the Court considers that there is no need to deal separately with these remaining complaints.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Ventorino, De Trana, Nicola Silvestri, Antonetto* and *De Luca*, all cited above), the Court considers it reasonable to award the sums indicated in the appended table.

14. The Court further notes that the respondent State has an outstanding obligation to enforce the judgments which remain enforceable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the non-enforcement of the domestic decisions;
3. *Holds* that it is not necessary to examine separately the applicant's remaining complaints;
4. *Holds* that the respondent State shall ensure, by appropriate means, within three months, the enforcement of the pending domestic decisions referred to in the appended table;

5. *Holds*

- (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 6 June 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Péter Paczolay
President

PASQUARIELLO v. ITALY JUDGMENT

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	Relevant domestic decision	Start date of non-enforcement period	End date of non- enforcement period Length of enforcement proceedings	Domestic court order	Case-law	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
8366/23 09/02/2023	Gianpiero PASQUARIELLO 1972	Naples Court of Appeal, R.G. 1243/2018, 17/01/2019	17/01/2019	pending More than 5 year(s) and 1 day(s)	Ministry of Justice and, with respect to decision no. 3030/2019, Ministry of Economy and Finance Payment of legal fees (<i>avvocato antistatario</i>).	<i>A contrario, Izzo and Others v. Italy</i> , no. 46141/12, 30 May 2017	4,000	250
		Naples Court of Appeal, R.G. 2083/2018, 09/05/2019	09/05/2019	pending More than 4 year(s) and 8 month(s) and 9 day(s)				
		Naples Court of Appeal, R.G. 2194/2019, 19/09/2019	19/09/2019	pending More than 4 year(s) and 3 month(s) and 30 day(s)				
		Naples Court of Appeal, R.G. 3030/2019, 17/12/2019	17/12/2019	pending More than 4 year(s) and 1 month(s) and 1 day(s)				

¹ Plus any tax that may be chargeable to the applicant.

² Plus any tax that may be chargeable to the applicant.

PASQUARIELLO v. ITALY JUDGMENT

Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Domestic court order	Case-law	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
		Naples Court of Appeal, R.G. 875/2020, 16/04/2020	16/04/2020	pending More than 3 year(s) and 9 month(s) and 2 day(s)				
		Rome Court of Appeal, R.G. 50615/2020, 13/05/2020	13/05/2020	pending More than 3 year(s) and 8 month(s) and 5 day(s)				
		Naples Court of Appeal, R.G. 1901/2020, 26/02/2021	26/02/2021	pending More than 2 year(s) and 10 month(s) and 23 day(s)				
		Naples Court of Appeal, R.G. 1940/2020, 05/03/2021	05/03/2021	pending More than 2 year(s) and 10 month(s) and 13 day(s)				