



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

FIRST SECTION

**CASE OF RIZZO STRIANO v. ITALY**

*(Application no. 54800/16)*

JUDGMENT

STRASBOURG

18 January 2024

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



**In the case of Rizzo Striano v. Italy,**

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

Krzysztof Wojtyczek, *President*,

Lətif Hüseynov,

Ivana Jelić, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the decision to reject the Government's objection to the examination of the application by a Committee,

Having deliberated in private on 14 December 2023,

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 13 September 2016.

2. The applicant was represented by Mr I. Toscano, a lawyer practising in Rome.

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 the domestic decision awarding him damages for the occupation of his plot of land for the construction of an aqueduct and compensation for the establishment of an aqueduct easement, to be paid by the Reclamation Consortium of the Plain of Sybaris and the Middle Crati Valley (*Consorzio di Bonifica della Piana di Sibari e della Media Valle del Crati*, "The Consortium").

## THE LAW

### I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND OF ARTICLE 1 OF PROTOCOL No. 1

6. The applicant complained of the non-enforcement of the domestic decision given in his favour. He relied on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

### **A. Admissibility**

7. The Court notes at the outset that the Government recognised the public nature of the Consortium.

8. The Government objected to the admissibility of the application because the applicant had allegedly failed to exhaust domestic remedies. In particular, they argued that the applicant could have requested the payment of the debt from the relevant regional authority, on the basis of an alleged joint liability with the Consortium, or could have brought actions for damages against the management in charge of the compulsory administrative liquidation of the Consortium.

9. The applicant objected to the Government's submission by contesting the availability and effectiveness of the said remedies.

10. The Court reiterates that a person who has obtained an enforceable judgment against the State as a result of successful litigation cannot be required to resort to enforcement proceedings in order to have it executed (see *Metaxas v. Greece*, no. 8415/02, § 19, 27 May 2004, and *Ventorino v. Italie*, no. 357/07, § 28, 17 May 2011).

11. The Court therefore dismisses the Government's objections and declares the application admissible.

### **B. Merits**

12. 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).

13. 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 of Article 6 of the Convention in respect of issues related to the non-enforcement or delayed enforcement of a final domestic decision, similar to those in the present case.

14. 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 final decision in the applicant's favour.

15. These complaints therefore disclose a breach of Article 6 § 1 of the Convention.

16. Having regard to the foregoing conclusion, the Court considers that it is not necessary to examine whether, in this case, there has also been a violation of Article 1 of Protocol No. 1.

## II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

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

18. The Court further notes that the respondent State has an outstanding obligation to enforce the judgment which remains 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 final domestic decision in his favour;
3. *Holds* that it is not necessary to examine separately the merits of the applicant's complaint under Article 1 of Protocol No. 1;
4. *Holds* that the respondent State shall ensure, by appropriate means, within three months, the enforcement of the pending domestic decision 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 18 January 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina  
Acting Deputy Registrar

Krzysztof Wojtyczek  
President

RIZZO STRIANO 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	Representative's name and location	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Domestic court order	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1</sup>	Amount awarded for costs and expenses per application (in euros) <sup>2</sup>
54800/16 13/09/2016	<b>Maurizio RIZZO STRIANO</b> 1957	Toscano Isidoro Rome	Regional Public Water Court (Naples District Court), R.G. 2475/96, 21/01/2002	27/09/2005	pending More than 18 years and 9 days	Consorzio di Bonifica della Piana di Sibari e della Media Valle del Crati.  Payment of compensation and damages for the occupation of the applicant's land.	9,600	250

<sup>1</sup> Plus any tax that may be chargeable to the applicant.

<sup>2</sup> Plus any tax that may be chargeable to the applicant.