

Press Release

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Compliance by Italy with the ECHR: measures taken in the Dorigo case and in cases concerning the eviction of tenants

Strasbourg, 25.06.2007 – The Committee of Ministers of the Council of Europe recently issued two final resolutions putting an end to its supervision of measures adopted by Italy in execution of judgments and decisions finding violations of the European Convention on Human rights.

The [first resolution](#) concerns the case of Paolo Dorigo, who was sentenced in Italy to a long term of imprisonment in proceedings judged unfair under the terms of the Convention. The Committee of Ministers criticised Italy's delay in adopting measures to erase the consequences of these violations. However, the Committee welcomed the judgment delivered on 1 December 2006 by the Italian Court of Cassation which, referring to the direct effects of the Convention in Italian law, declared the applicant's detention unlawful and ordered his final release.

The Committee also noted with satisfaction the Court of Cassation's findings on the urgent need for legislative intervention to introduce into Italian law the possibility of re-opening criminal proceedings following judgments given by the European Court of Human Rights. The Committee said that it is now for the competent Italian authorities to draw all the necessary consequences from the Court of Cassation's judgment and the requirements of the Convention, and urged them to complete as rapidly as possible the legislative action needed to make it possible, in Italian law, to re-open proceedings found to have been in breach of the Convention.

The [second resolution](#) puts an end to the supervision of measures taken in execution of a long series of judgments by the Court concerning violations of landlords' rights due to the failure to enforce judicial decisions ordering the eviction of tenants (*Immobiliare Staffi* and 156 other cases).

The Committee found that all the measures adopted have led to a reduction in the structural problem underlying the violations, as is shown in national statistics and in the, so far, very small number of similar cases pending before the Court. The Committee also noted that the Italian legal system now offers several possibilities for obtaining effective compensation: automatic compensation, proceedings against tenants, and proceedings against the state for the failure of the police to provide assistance and for delays in judicial proceedings and enforcement (Pinto Law).

Lastly, the Committee noted and stressed that the merits and scope of any new legislation on the suspension of enforcement are now subject to review by the Italian Constitutional Court.

Under the European Convention on Human Rights, the judgments of the Court require the adoption by the respondent states, under the supervision of the Committee of Ministers, of all the necessary measures to grant the applicants appropriate redress and prevent further similar violations in the future.

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