

Resolution CM/ResDH(2024)307 Execution of the judgment of the European Court of Human Rights Bertagna against Italy

(Adopted by the Committee of Ministers on 5 December 2024
at the 1514th meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
20308/03	BERTAGNA	12/01/2023	12/01/2023

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”);

Having regard to the final judgment transmitted by the Court to the Committee in this case and to the violation of Article 6, paragraph 1, of the Convention established due to the excessive length of civil proceedings, for which the applicant had not received compensation at domestic level;

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Noting that the proceedings at issue had been terminated at the time the Court delivered its judgment and that the just satisfaction awarded by the Court for non-pecuniary damage and costs and expenses has been paid and considering that the question of individual measures has therefore been resolved;

Recalling that the question of the general measures required to address the excessive length of judicial proceedings before civil courts continues to be examined within the framework of the group of cases *Trapani v. Italy* (Application No. 45104/98), also in the light of the Court's findings in this case, and that the closure of this case therefore in no way prejudices the Committee's evaluation of these measures;

Recalling also that the question of general measures required to address the shortcomings concerning the compensatory remedy (“Pinto”) available since 2001 to victims of excessively lengthy proceedings was examined in the context of the groups of cases *Giuseppe Mostacciolo (No. 1) v. Italy* (see Final Resolution CM/ResDH(2015)155 and CM/ResDH(2017)289) and *Olivieri and Others v. Italy* (see Final Resolution CM/ResDH(2022)351);

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case;

CONCLUDES that the necessary individual measures have been adopted;

DECIDES to continue to supervise in the group of cases *Trapani v. Italy* the adoption of the necessary general measures to remedy the excessive length of judicial proceedings before civil courts;

DECIDES to close the examination of this case.