



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

FOURTH SECTION

CASE OF ZĂICESCU AND FĂLTICINEANU v. ROMANIA

(Application no. 42917/16)

JUDGMENT *(Revision)*

Rule 80 of the Rules of Court • Request for revision of a judgment • Second applicant's death in the course of the proceedings constituted a new fact of "decisive influence" leading to judgment's revision • Art 37 § 1 • Striking out applications • Absence of intention by an heir or close relative to pursue application • Respect for human rights not requiring examination to be continued in respect of the second applicant

Prepared by the Registry. Does not bind the Court.

STRASBOURG

17 June 2025

FINAL

17/09/2025

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Zăicescu and Fălticineanu v. Romania (request for revision of the judgment of 23 April 2024),

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Lado Chanturia, *President*,

Faris Vehabović,

Tim Eicke,

Ana Maria Guerra Martins,

Anne Louise Bormann,

Sebastian Rădulețu,

András Jakab, *judges*,

and Simeon Petrovski, *Deputy Section Registrar*,

Having deliberated in private on 27 May 2025,

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

PROCEDURE

1. The case originated in an application against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by two Romanian nationals, Mr Leonard Zăicescu (“the first applicant”) and Ms Ana Fălticineanu (“the second applicant”), on 14 July 2016.

2. In a judgment delivered on 23 April 2024, the Court held that there had been a violation of Article 8 in conjunction with Article 14 of the Convention on account of the acquittal of two high-ranking military officials previously convicted of crimes connected with the Holocaust, in extraordinary appeal proceedings not disclosed to the applicants, as Holocaust victims, or to the public, a fact which provoked in the applicants feelings of humiliation and vulnerability and caused them psychological trauma. The Court also decided to award the applicants 8,500 euros (EUR) jointly for costs and expenses. No award in respect of damage was made as the applicants did not request any compensation in this respect.

3. On 12 November 2024 the Government informed the Court that they had learned in October 2024, during their attempt to execute the above-mentioned judgment, that the second applicant had died on 28 November 2020. They accordingly requested revision of the judgment within the meaning of Rule 80 of the Rules of Court.

4. On 26 November 2024 the Court considered the request for revision and decided to give the applicants’ representative the opportunity to submit any observations. Those observations were received on 26 February 2025.

THE LAW

THE REQUEST FOR REVISION

5. The Government requested revision of the judgment of 23 April 2024, which they had been unable to execute because the second applicant had died before the judgment had been adopted.

6. The applicants' representative asked the Court to reject the Government's request. She did not inform the Court of the existence of any heirs wishing to pursue the application in the second applicant's stead.

7. The Court notes that the second applicant, Ms Ana Fălticineanu, had died before it adopted the judgment of 23 April 2024. It further notes that no observations have been submitted to it by any potential heirs.

8. The Court considers that the applicant's death constitutes "the discovery of a fact ... which when [the] judgment was delivered, was unknown to the Court". It also constitutes a fact of "decisive influence" on the outcome of the judgment within the meaning of Rule 80 § 1. The Court is prepared to accept that this decisive fact "could not reasonably have been expected to be known" to the Government, which became aware of the second applicant's death in October 2024 (see *Manushaqe Puto and Others v. Albania* (revision), nos. 604/07 and 3 others, §§ 9-10, 4 November 2014). They filed a request for revision of the judgment on 12 November 2024 (see paragraph 3 above), that is, within the time-limit provided for in Rule 80.

9. In view of the above, the Court considers that the judgment of 23 April 2024, in so far as it concerns the second applicant, should be revised pursuant to Rule 80 of the Rules of Court, the relevant parts of which provide:

"A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court ... to revise that judgment.

..."

10. The Court further recalls that it has been its practice to strike applications out of the list of cases in the absence of any heir or close relative who had expressed a wish to pursue the application (see *Eremiášová and Pechová v. the Czech Republic* (revision), no. 23944/04, § 10, 20 June 2013, with further references; see also, *Vlad and Others v. Romania* (revision), nos. 40756/06 and 2 others, §§ 8-12, 15 October 2024). Having in mind that the judgment of 23 April 2024 remains in force in respect of the first applicant, the Court further finds no special circumstances relating to respect for human rights as defined in the Convention and its Protocols which require it to continue the examination of the application in respect of the second applicant.

11. Accordingly, the application should be struck out of the Court's list of cases in so far as it relates to the second applicant, in accordance with Article 37 § 1 of the Convention.

12. The Court further decides to award the first applicant the same amount it previously awarded jointly to both applicants, namely EUR 8,500 for costs and expenses.

13. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to revise its judgment of 23 April 2024 as regards the application no. 42917/16;
2. *Decides* to strike out the application in so far as it concerns the complaints of the second applicant (Ms Ana Fălticineanu);
3. *Holds*
 - (a) that the respondent State is to pay the first applicant (Mr Leonard Zăicescu), within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 8,500 (eight thousand and five hundred euros) in respect of costs and expenses, to be converted into the currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable to the first applicant;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount 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 17 June 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Simeon Petrovski
Deputy Registrar

Lado Chanturia
President