

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

FIRST SECTION

DECISION

Applications nos. 43413/11 and 64883/11
Teresa ARCHINÀ against Italy and
Cosimo COMMISSO against Italy
(see appended table)

The European Court of Human Rights (First Section), sitting on 19 June 2025 as a Committee composed of:

Frédéric Krenc*, President*,
Davor Derenčinović,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Mr Francesco Commisso, a lawyer practising in Siderno (Reggio Calabria).

The applicants' complaints under Article 6 § 1 of the Convention concerning the lack of a public hearing during the proceedings for the application of a preventive confiscation measure in respect of their property were communicated to the Italian Government ("the Government") and the remainder of the applications were declared inadmissible.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the violation of Article 6 § 1 of the Convention. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the cases.

The applicants were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. They indicated that they were not satisfied with the terms of the unilateral declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the lack of a public hearing within proceedings for the imposition of a preventive measure (see, for example, *Bocellari and Rizza v. Italy*, no. 399/02, § 40, 13 November 2007; *Bongiorno and Others v. Italy*, no. 4514/07, § 29, 5 January 2010). When the Court found a violation of Article 6 § 1 of the Convention, it has considered that the finding of a violation constituted in itself sufficient just satisfaction in respect of any non-pecuniary damage suffered by the applicants (see *Bocellari and Rizza*, § 46; *Bongiorno and Others*, § 56, both cited above).

Noting the admissions contained in the Government's declarations, as well as the amounts proposed for costs and expenses, the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)). The Court has no reasons to consider that the amounts offered by the Government are inadequate or unreasonable (see *Ryabkin and Volokitin v. Russia* (dec.), nos. 52166/08 and 8526/09, §§ 49-50, 28 June 2016, and *Igranov and Others v. Russia*, nos. 42399/13 and 8 others, § 24,

20 March 2018, and, for a similar approach, *Ben Slimen and Others v. Italy* (dec.) [Committee], nos. 28584/14 and 13 others, 25 March 2021).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the applications out of the Court's list of cases.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 10 July 2025.

Viktoriya Maradudina	Frédéric Krenc
Acting Deputy Registrar	President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(lack of a public hearing during the proceedings for the application of preventive measures)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for costs and expenses per applicant (in euros)[1]
1.	43413/11 30/06/2011	**Teresa ARCHINÀ** 1961	Commisso Francesco Siderno	23/10/2024	11/02/2025	800
2.	64883/11 03/06/2011	**Cosimo COMMISSO** 1950	Commisso Francesco Siderno	23/10/2024	11/02/2025	800

[1] Plus any tax that may be chargeable to the applicants