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

FIRST SECTION

# DECISION

Application no. 6897/24
C.V. against Italy
(see appended table)

The European Court of Human Rights (First Section), sitting on 7 November 2024 as a Committee composed of:

Georgios A. Serghides*, President*,
Erik Wennerström,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to:

the above application lodged on 11 March 2024,

the decision to grant the applicant anonymity, in accordance with Rule 47 § 4 of the Rules of the Court,

the decision to indicate an interim measure to the respondent Government under Rule 39 of the Rules of Court;

the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr A. Saccucci, Ms G. Borgna and Ms V. Cafaro, lawyers practising in Rome.

The applicant's complaints under Articles 3 and 5 §§ 1 and 5 of the Convention and Articles 6, 13 and 34 of the Convention, concerning the conditions of her prolonged detention deemed inadequate for her mental health, the alleged unlawfulness of her detention, the non-enforcement of the domestic decision ordering her placement in a specialised structure ("Residence for Execution of Security Measures" ("REMS")), the absence of domestic remedies and the delay in enforcing the interim measure indicated by the Court under Rule 39 of the Rules of Court, were communicated to the Italian Government ("the Government").

# THE LAW

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

The declaration provided as follows:

> "The Italian Government recognize that the Applicant was subjected to the conventional violations as claimed, according to the principles expressed by the Court of Human Rights in this context.
>
> The Italian Government, with this declaration, offer the sum of 24,684 euros to the Applicant to cover any non-pecuniary damage, and the sum of 3,000 euros to cover any costs and expenses, plus any tax that may be chargeable to the Applicant on these amounts.
>
> The Government believe that this declaration, containing the acknowledgement of the abovementioned violations and the provision of a refund, represents an adequate compensation for the Applicant, according to the jurisprudence of the Court on the matter.
>
> The Government respectfully invite the Court to declare that it is not necessary to prosecute the exam of the violations alleged by the Applicants and dismiss the cases in application of Article 37 of the Convention, given that the conditions established by Article 62A of the Rules of Court are respected.
>
> The Government will proceed to pay the sums offered with the present declaration within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. In the event of failure to pay these sums within the said three-month period, the Government undertake to pay simple interest on them, from 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 case."

The applicant was sent the terms of the Government's unilateral declaration on 19 August 2024. By letter of 6 September 2024, the applicant indicated that she was not satisfied with the terms of the declaration, on account of the insufficiency of the amounts proposed.

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 applicant wishes the examination of the case 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 detention of persons suffering from psychiatric disorders (see, for example, *Rooman v. Belgium* [GC], no. 18052/11,

§§ 141-48 and 190-214, 31 January 2019, *Strazimiri v. Albania*, no. 34602/16, §§ 103 and 116, 21 January 2020 and *Sy v. Italy*, no. 11791/20, 24 January 2022).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which, taking into account the severity and duration of the alleged violation, is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

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 application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application 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 case out of the list. The interim measure previously indicated to the Government under Rule 39 in this application ceases to have any basis.

For these reasons, the Court, unanimously,

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

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

Done in English and notified in writing on 28 November 2024.

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| Viktoriya Maradudina<br>Acting Deputy Registrar | Georgios A. Serghides<br>President |

# APPENDIX

## Application raising complaints under Articles 3, 5, 6, 13 and 34 of the Convention

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representatives' name and location | Date of receipt of Government's declaration | Date of receipt of applicant's comments | Amount awarded for non-pecuniary damage (in euros)[1] | Amount awarded for costs and expenses (in euros)[2] |
|---|---|---|---|---|---|---|
| 6897/24<br>11/03/2024 | **C.V.**<br>1971 | Saccucci Andrea<br>Rome<br><br>Borgna Giulia<br>Rome<br><br>Cafaro Valentina<br>Rome | 26/07/2024 | 06/09/2024 | 24,684 | 3,000 |

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