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

FIRST SECTION

# DECISION

Application no. 2929/13
Graziella ZANOTTI
against Italy
(see appended table)

The European Court of Human Rights (First Section), sitting on 5 December 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 5 December 2012,

Having regard to 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's complaints under Article 1 of Protocol No. 1 to the Convention concerning the delay in the restitution of assets seized in the context of a criminal investigation 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 Government acknowledged the breach of Article of Protocol No. 1. They offered to pay the applicant the amounts detailed in the appended table and invited the Court to strike the application 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 case.

The applicant was sent the terms of the Government's unilateral declaration.

The applicant agreed with the terms of the declaration as regards the amounts proposed by the Government in respect on non-pecuniary damage and costs and expenses. However, she requested that, in the event of failure to pay these amounts within the above-mentioned three-month period, the application be restored in the Court's list of cases.

The Court considers that the additional condition posed by the applicant prevents it from considering that there is exact mutual agreement as to the terms proposed by the respondent Government's unilateral declaration and that a friendly settlement for the purposes of Article 39 of the Convention has been concluded.

However, 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 delay of the restitution of assets seized by domestic authorities (see, for example, *Akpaz Société à responsabilité limitée v. Turkey*, no. 6800/09, § 99, 18 January 2022, *Patrikova v. Bulgaria*, no. 71835/01, § 98, 4 March 2010, and, *mutatis mutandis*, *Raimondo v. Italy*, no. 12954/87, § 36, 22 February 2004).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which 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.

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 this part of 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 16 January 2025.

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

# APPENDIX

## Application raising complaints under Article 1 of Protocol No. 1 of the Convention (delay in restitution of seized assets)

| Application no.<br>Date of introduction | Applicant's name<br>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 non-pecuniary damage (in euros)[1] | Amount awarded for costs and expenses (in euros)[2] |
|---|---|---|---|---|---|---|
| 2929/13<br>05/12/2012 | **Graziella ZANOTTI**<br>1967 | Borso Federica<br>Bologne | 24/06/2024 | 10/07/2024 | 6,400 | 2,000 |

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