



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

FOURTH SECTION

CASE OF DICKMANN AND GION v. ROMANIA

(Applications nos. 10346/03 and 10893/04)

JUDGMENT
(Revision¹)

STRASBOURG

28 August 2018

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

¹. Revision of the judgment of 24 October 2017.

In the case of Dickmann and Gion v. Romania (request for revision of the judgment of 24 October 2017),

The European Court of Human Rights (Fourth Section), constituted in a Chamber composed of:

Ganna Yudkivska, *President*,

Vincent A. De Gaetano,

Paulo Pinto de Albuquerque,

Faris Vehabović,

Georges Ravarani,

Péter Paczolay, *judges*,

Bianca Andrada Gutan, *ad hoc judge*,

and Marialena Tsirli, *Section Registrar*,

Having deliberated in private,

Delivers the following judgment, which was adopted on 10 July 2018:

PROCEDURE

1. The case originated in two applications (nos. 10346/03 and 10893/04) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by nationals of Romania and Germany. Their names and other details, as well as the date on which the applications were lodged, are specified in the appendix to the judgment of 24 October 2017.

2. As Iulia Motoc, the judge elected in respect of Romania, withdrew from sitting in the case (Rule 28 § 3 of the Rules of the Court), the President decided to appoint Bianca Andrada Guțan to sit as an *ad hoc* judge (Rule 29 § 2 of the Rules of the Court).

3. In a judgment delivered on 24 October 2017, the Court held that there had been a violation of Article 1 of the Protocol No. 1 to the Convention on account of the applicants’ inability to obtain restitution of their nationalised properties or to secure compensation. The Court made just satisfaction awards in respect of each application.

4. Concerning application no. 10346/03, on 20 March 2018 the Government informed the Court that they had learned that Mr Dickmann, the husband and heir of the deceased applicant Dora Dickmann who had pursued the proceedings in her stead, had died on 12 March 2016. They accordingly requested revision of the judgment within the meaning of Rule 80 of the Rules of Court in so far as the awards under Article 41 were concerned.

5. On 10 April 2018 the Court considered the request for revision and decided to grant Mr Dickmann’s potential heirs three weeks in which to submit any observations thereto. The communication was sent to the last

known address of Mr Dickmann. No observations were received by the Court.

THE LAW

THE REQUEST FOR REVISION

6. The Government requested revision of the judgment of 24 October 2017 as regards the awards made under Article 41 of the Convention in respect of application no. 10346/03. They argue that they had been unable to have this part of the judgment executed because Mr Dickmann had died before the judgment had been adopted.

7. No heir made observations on the matter (see paragraph 5 *in fine* above).

8. The Court considers that the judgment of 24 October 2017 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.

...”

9. The Court reiterates 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 has expressed a wish to pursue the application (see, for example, *Eremiášová and Pechová v. the Czech Republic* (revision), no. 23944/04, § 10, 20 June 2013, with further references, and *Silášová and Others v. Slovakia* (revision), no. 36140/10, § 9, 30 January 2018). However, the Court has also stated that its “judgments in fact serve not only to decide those cases brought before the Court but, more generally, to elucidate, safeguard and develop the rules instituted by the Convention, thereby contributing to the observance by the States of the engagements undertaken by them as Contracting Parties” (see *Karner v. Austria*, no. 40016/98, § 26, ECHR 2003-IX).

10. The Court notes that the subject matter of the present application, concerning the authorities’ failure to provide the applicant with appropriate compensation for the deprivation of her possessions (see also paragraph 3 above), involved an important question of general interest for Romania. In this respect it refers to its judgment of 24 October 2017, in which it considered that, in view of the significant number of applications pending before it and raising similar legal issue as the one examined in the present case, it was necessary to conduct a comprehensive assessment of the

measures taken by the State aiming to address the matter complained of (see *Dickmann and Gion v. Romania*, nos. 10346/03 and 10893/04, § 92, 24 October 2017).

11. Consequently, the Court considers that respect for human rights, as defined in the Convention and the Protocols thereto as well as the interest of the good administration of justice, requires a continuation of the examination of the case, pursuant to Article 37 § 1 *in fine* of the Convention (see, *mutatis mutandis*, *Manushaqe Puto and Others v. Albania* (revision), nos. 604/07 and 3 others, § 11, 4 November 2014). However, in the absence of an injured party, the awards made under Article 41 of the Convention in respect of application no. 10346/03 should be revised and consequently rejected in whole (see *Karner*, cited above, § 47).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the Government's request for the revision of the judgment of 24 October 2017 admissible;

accordingly,

2. *Decides* to revise its judgment of 24 October 2017 as regards the application of Article 41 of the Convention in respect of application no. 10346/03;
3. *Dismisses* the claims for just satisfaction in respect of application no. 10346/03.

Done in English, and notified in writing on 28 August 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Mariarena Tsirli
Registrar

Ganna Yudkivska
President