

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

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**FIRST SECTION**

ECHR-LE0.00  
IG/RLU/nn

19 July 2021

Application no. 31149/12  
**Dabetić v. Italy**

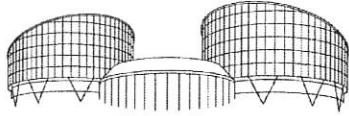
Dear Sir,

Please find attached a communication concerning the above-mentioned application.

Yours faithfully,

The Registry

Enc. Subject matter of the case and Questions



James A. Goldston  
Open Society Justice Initiative  
224 West 57th Street  
NEW YORK 10019  
USA

## FIRST SECTION

ECHR-LE4.0aR NCP IMSI CHB  
IG/RLU/nn

19/07/2021

**BY E-TRANSMISSION ONLY**

**Application no. 31149/12**  
**Dabetić v. Italy**

Dear Sir,

### **Communication to the respondent Government: non-contentious phase**

On 06/07/2021, the President of the Section to which the case had been allocated decided to give notice of part of the application to the respondent Government<sup>1</sup>.

The proceedings after communication are split into two phases, the first, non-contentious phase, allows the parties to explore the possibilities for a friendly settlement. Should that first phase be unsuccessful, it is followed by the contentious phase in which the parties exchange their observations on the admissibility and merits.

The President of the Section has accordingly decided that the parties should be given until **11/10/2021** to discuss the terms of a settlement with the assistance of the Registry, without this prejudging the outcome of the case should the friendly-settlement negotiations be unsuccessful.

### **Friendly settlement**

I therefore invite you to inform me **by the above date** of your position regarding a friendly settlement of this case and any proposals you may wish to make, in particular in respect of pecuniary damage and costs and expenses.

There is a requirement of strict confidentiality in respect of friendly-settlement negotiations<sup>2</sup>. Any proposals or submissions in this regard should be set out in a separate document, the contents of which must not be referred to in any submissions made in the context of the main proceedings.

<sup>1</sup> Rule 54 § 2 (b) of the Rules of Court.

<sup>2</sup> Rule 62 § 2.

### **Contentious phase**

If the parties do not settle the case **by the above date**, the contentious phase will start. Another 12-week time-limit will then be fixed for the Government to submit:

- a statement of facts, and
- their written observations on the admissibility and merits of the complaints under Articles 8, 13 and 14 of the Convention.

### **Official languages**

I would inform you that at this stage of the proceedings all communications from applicants or their representatives should be made in one of the Court's official languages – English or French – unless the President of the Section grants leave for the continued use of a Contracting Party's official language.

### **eComms**

You are invited to use the electronic communication system between the representatives and the Court (eComms).

Please note that a separate eComms information email will be sent for each of your cases if you are a representative in two or more cases.

If you do not wish to use the eComms system or wish to use a different email address for this purpose, do not reply to that email and inform immediately the Registry by fax (+33 3 88 41 27 30).

You will find on the website <https://ecomms.echr.coe.int> the User Manual for Representatives.

Should you wish to use eComms, please also note that from now on any correspondence from the Registry will be sent to you **by e-transmission only** and that you will **not receive** the original of this letter or annexes to it by regular post.

### **Information note**

You will find on the Court's Internet site ([www.echr.coe.int/applicants](http://www.echr.coe.int/applicants)) an information note to applicants on the proceedings after communication of an application.

### **Personal data**

To ensure that the applicant's personal details (name, surname, date of birth) are correctly recorded by the Court, you are requested to submit a copy of the relevant page of his identity card.

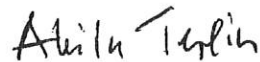
### **Partial decision**

As regards the remainder of the application, the President of the Section, sitting in a single-judge formation (assisted by a rapporteur as provided for in Article 24 § 2 of the Convention), declared it inadmissible.

Having regard to all the material in her possession and in so far as she has jurisdiction to examine the allegations made, she considered that the conditions of admissibility provided for in Articles 34 and 35 of the Convention were not fulfilled.

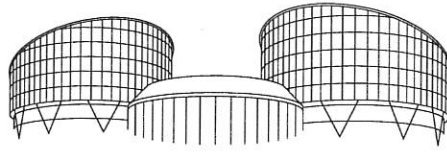
This decision is final. It is not open to appeal before the Grand Chamber or any other body. The Registry cannot provide you with any further information about the single judge's decision. This information has been communicated to you in accordance with Rule 52A of the Rules of Court.

Yours faithfully,

A handwritten signature in black ink, appearing to read "A. Teplán". The signature is written in a cursive style with some loops and flourishes.

A. Teplán  
Acting Deputy Section Registrar

Enc.: Subject matter of the case and Questions



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

Published on 26 July 2021

## FIRST SECTION

Application no. 31149/12  
Velimir DABETIĆ  
against Italy  
lodged on 11 May 2012  
communicated on 6 July 2021

### SUBJECT MATTER OF THE CASE

The application concerns the difficulties of the applicant, a stateless person of Slovenian origin, in regularising his legal situation in Italy. The applicant has been residing in Italy since 1989. In March 2006 he applied to the Ministry of the Interior for the determination of his statelessness. Pending the application, he also requested a temporary residency permit. Both requests were rejected. The main reason behind the rejections was that Italian law required pre-existing legal residency. In May 2011 the applicant filed an application for the determination of statelessness with the Tribunal of Rome. He again requested a temporary residency permit pending the judicial proceedings, which was rejected. On 13 February 2013 the Tribunal of Rome recognised the applicant as stateless. The judgment became final in September 2013.

## QUESTIONS TO THE PARTIES

1. Having regard to the determination of statelessness by the Tribunal of Rome on 13 February 2013, can the applicant claim to be a victim of a violation of Articles 8, 13 or 14 of the Convention, within the meaning of Article 34?

2. Has there been an interference with the applicant's right to respect for his private life, within the meaning of Article 8 § 1 of the Convention, on account of his inability to have his personal status regularised for several years, and of his difficulties arising from that situation, in particular:

- his inability to obtain any form of temporary residency status,
- the fact that he was subject to criminal prosecution and punishment for his mere presence in Italy as an undocumented alien under Article 10-*bis* and Article 14, section 5-*bis*, 5-*ter*, 5-*quinquies*, of Legislative Decree 25 July 1998, no. 286, as amended by Law 12 November 2004, no. 271, and Law 15 July 2009, no. 94,
- the fact that he was arrested on multiple occasions and subjected to recurrent identity checks and deportation orders,
- his inability to work, travel and obtain any benefit or service beyond emergency health care?

If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see *Sudita Keita v. Hungary*, no. 42321/15, 12 May 2020, and, *mutatis mutandis*, *B.A.C. v. Greece*, no. 11981/15, 13 October 2016)?

In answering the above questions, the Government are requested to specify, with reference to the situation at the relevant time and at present, whether the domestic courts and administrative authorities apply the criterion of lawful residence as a requirement for recognition of statelessness status.

3. Having regard to his vulnerability as a stateless person and, in particular, as a former Socialist Federal Republic of Yugoslavia citizen who had lost permanent residence status as a result of his “erasure” by Slovenian authorities from the Register of Permanent Residents (see *Kurić and Others v. Slovenia* [GC], no. 26828/06, ECHR 2012 (extracts)):

3.a) has the applicant received the same protection as available to asylum seekers, particularly in relation to the possibility – irrespective of the lawfulness of his residence – of applying to the competent administrative authority for statelessness determination and of obtaining a temporary residence permit pending the determination procedure? In the negative, did this treatment amount to a violation of Article 14 of the Convention, read in conjunction with Article 8 of the Convention?

3.b) has the applicant received the same legal treatment – in relation to the precondition of lawful residence for obtaining a temporary residence

permit – as foreign nationals seeking access to Italian citizenship? In the affirmative, did this treatment amount to a failure to treat differently persons whose situations are different, in breach of Article 14 of the Convention, read in conjunction with Article 8 of the Convention?

4. Did the applicant have available to him an effective domestic remedy for his complaints under Articles 8 and 14 of the Convention, as required by Article 13 of the Convention?

5. In answering the above questions, the parties are invited to supplement their replies by referring to the relevant national and international legal framework, including the United Nations Convention relating to the Status of Stateless Persons of 1954, ratified by Italy according to Law 1<sup>o</sup> February 1962, No. 306, and the United Nations Convention on the Reduction of Statelessness of 1961, to which Italy accessed according to Law 9 September 2015, No. 162.