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Date: 15/11/2021

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Meeting: 1419th meeting (December 2021) (DH)

Communication from the applicant (15/11/2021) in the case of Tonello v. Hungary (Application No. 46524/14) (Shaw group).

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1419^e réunion (décembre 2021) (DH)

Communication du requérant (15/11/2021) relative à l'affaire Tonello c. Hongrie (requête n° 46524/14) (groupe Shaw) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DGI

10 NOV. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Committee of Ministers
Council of Europe
Avenue de l'Europe
F-67075 Strasbourg Cedex
France

**OBJECT: Application no. 46524/14 - European Court of Human Rights'
judgment: Case of Tonello v Hungary**

On behalf of Mr. Andrea Tonello, represented before the European Court of Human Rights by Mr. Luigi Serino, lawyer practicing in Italy (all the communications at: Studio Legale Serino, viale Spinelli 156, San Giorgio del Sannio (BN) 82018 ITALY – fax 0039 0824 1712016 – luiserino@gmail.com).

Mr. Tonello would like to submit to the Committee of Ministers' attention the developments in the Case of Tonello v. Hungary, after the European Court of Human Rights' judgment.

1) The Hungarian government paid the sums recognized by the European court as just satisfaction and legal fees;

2) Since the publication of the judgment of 24 April 2018, the Hungarian Government has not carried out any activities for the return of the child to Italy, in compliance also with the judgment of the Venice's Juvenile Court, which revoked Mrs [REDACTED]'s parental responsibility and accorded [REDACTED] full custody to her father, Mr. Tonello.

3) Even the witness Mr. Tietto (inspector of police) heard in the criminal proceedings against Ms [REDACTED], which ended with sentence no. 1163/2021 of the Court of Padova, confirmed the total lack of cooperation by the Hungarian authorities.

4) Infact, with a further judgment n. 1163/21 of 11 May 2021, issued by the Collegial Court of Padova, Ms [REDACTED] was condemned for the crime of international child

abduction punished article 574 bis of the Criminal Italian Code. Furthermore, she was condemned to pay the damages in favor of Mr. Tonello.

5) In this Judgment were punctually reconstructed the two European arrest warrants issued by Tribunal of Padova with relative dates.

6) It should be noted that this Judgment was appealed by the defender of the accused and by the Public Prosecutor's Office and the appeal judgment is still pending. However Mr. Tonello', layer intend solicit the fixation of the discussion hearing, to avoid the risk that the offense will lapse.

7) To the present date, do not appear other criminal proceedings pending in Hungary, while in Italy there is another investigation file, pending before the Public Prosecutor's Office of Padova, assigned to dr. [REDACTED]

8) It would be very important for Mr. Tonello that the Committee of Ministers ordered the Hungarian authorities to provide concrete information on the actions undertaken to investigate all aspects of [REDACTED]'s research. In this way Mr. Tonello represents a total lack of collaboration of the Hungarian authorities to research [REDACTED].

9) Consequently the Hungarian government must be invited to intensify their efforts in research and cooperation with the Italian authorities.

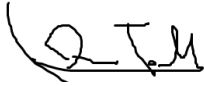
10) The establishment of the investigation group between the Italian and Hungarian authorities is considered important and it is considered important that the Committee wishes encourage the Italian authorities to take all necessary measures to activate + this investigative group.

In view of the above, Mr. Tonello asks for the intervention of Committee of Ministers in order to remedy the infringement relied.

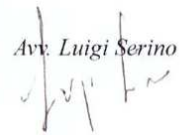
Attachement:

1. Padova Court's judgment n. 1163/2021.
November, 10th 2021

Mr. Tonello Andrea

A handwritten signature in black ink, appearing to be 'A. Tonello', written over a horizontal line.

Avv. Luigi Serino

A handwritten signature in black ink, appearing to be 'Luigi Serino', written over a horizontal line.