



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

FOURTH SECTION

CASE OF ALEXANDRESCU AND OTHERS v. ROMANIA

(Application no. 56842/08 and 7 other applications)

JUDGMENT
(Revision)

STRASBOURG

28 March 2017

FINAL

28/06/2017

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Alexandrescu and Others v. Romania (request for revision of the judgment of 24 November 2015),

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

András Sajó, *President*,
Vincent A. De Gaetano,
Nona Tsotsoria,
Paulo Pinto de Albuquerque,
Krzysztof Wojtyczek,
Egidijus Kūris,
Iulia Motoc, *judges*,

and Marialena Tsirli, *Section Registrar*,

Having deliberated in private on 28 February 2017,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in eight applications against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by Romanian nationals. Their names and other details, as well as the date of the lodging of each application, are specified in the appendix to the judgment delivered on 24 November 2015.

2. In that judgment, the Court held that there had been a violation of Article 6 § 1 of the Convention on account of the excessive length of the criminal proceedings which the applicants had joined as civil parties in order to claim compensation for the damage caused by the ill-treatment inflicted on them during the events of December 1989. The Court also decided to award each applicant 2,400 euros (EUR) in respect of non-pecuniary damage and dismissed the remainder of the claims for just satisfaction.

3. On 23 March 2016 the Government informed the Court that they had learned on 15 March 2016 that Mr Cristian Pațurcă had died on 19 January 2011 and that Mrs Laura Veronica Stoica had died on 20 August 2014. They accordingly requested the revision of the judgment within the meaning of Rule 80 of the Rules of Court.

4. On 6 September 2016 the Court considered the request for revision and decided to give the applicants’ representatives three weeks in which to submit any observations. Those observations were received on 6 October 2016.

THE LAW

THE REQUEST FOR REVISION

5. Article 80 of the Rules of the Court states, in so far as relevant, as follows:

“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. ...”

6. The Government requested the revision of the judgment of 24 November 2015, which they had been unable to execute because Mr Cristian Pațurcă and Mrs Laura Veronica Stoica had died before the judgment had been adopted.

7. The applicants’ representatives asked that the request for revision be dismissed.

8. The Court notes that the applicants died before the judgment of 24 November 2015 was adopted but that their representatives did not inform the Court of their death. No information was provided concerning any heirs who might wish to pursue the applications.

9. The Court considers that the applicants’ death constitutes “the discovery of a fact...which when [the] judgment was delivered, was unknown to the Court.” It also constitutes a fact of “decisive influence” on the outcome of the judgment within the meaning of Rule 80 § 1. The Court is prepared to accept that this decisive fact “could not reasonably have been expected to be known to” the Government, who gained knowledge of the applicants’ death on 15 March 2016 (see *Manushaqe Puto and Others v. Albania* (revision), nos. 604/07, 43628/07, 46684/07 and 34770/09, §§ 9-10, 4 November 2014). They filed a request for revision of the judgment on 23 March 2016, that is, within the time-limit provided for in Rule 80.

10. Article 37 § 1 of the Convention, in its relevant part, reads:

“1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that ...

(c) ... it is no longer justified to continue the examination of the application.”

11. The Court recalls 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 *Eremiášová and Pechová v. the Czech Republic* (revision), no. 23944/04, § 10, 20 June 2013). It further finds no special circumstances relating to respect for human rights as defined in the Convention and its Protocols which require it to continue the examination of the applications.

12. In these circumstances, the Court accepts the Government's request for revision of the judgment of 24 November 2015. Accordingly, it decides to strike the applications lodged by Mrs Laura Veronica Stoica and Mr Cristian Pațurcă out of its list.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to revise its judgment of 24 November 2015 in respect of applications nos. 724/09 and 11022/09;

accordingly,

2. *Decides* to strike application no. 724/09 lodged by Mr Cristian Pațurcă and application no. 11022/09 lodged by Mrs Laura Veronica Stoica out of its list.

Done in English, and notified in writing on 28 March 2017, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Marialena Tsirli
Registrar

András Sajó
President