



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

FOURTH SECTION

CASE OF VLAD AND OTHERS v. ROMANIA

(Applications nos. 40756/06, 41508/07 and 50806/07)

JUDGMENT *(Revision)*

Rule 80 of the Rules of Court • Request for revision of a judgment • First applicant's death in the course of the proceedings constituted a new fact of "decisive influence" leading to judgment's revision • Art 37 § 1 • Striking out applications • Absence of intention by an heir or close relative to pursue application • Respect for human rights not requiring examination to be continued

Prepared by the Registry. Does not bind the Court.

STRASBOURG

15 October 2024

FINAL

15/01/2025

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

In the case of Vlad and Others v. Romania (request for revision of the judgment of 26 November 2013),

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

Gabriele Kucsko-Stadlmayer, *President*,

Tim Eicke,

Faris Vehabović,

Armen Harutyunyan,

Anja Seibert-Fohr,

Ana Maria Guerra Martins,

Sebastian Rădulețu, *judges*,

and Andrea Tamietti, *Section Registrar*,

Having deliberated in private on 24 September 2024,

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

PROCEDURE

1. The case originated in three applications (nos. 40756/06, 41508/07 and 50806/07) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by three Romanian nationals, Mr Mihai Vlad, Mr Flaviu Plața and Mrs Vasilica Bratu (“the applicants”), on 5 October 2006, 14 September 2007 and 9 November 2007, respectively.

2. In a judgment delivered on 26 November 2013, the Court held that there had been a violation of Article 13 of the Convention in respect of the applicants in applications nos. 41508/07 and 50806/07 (Mr Plața and Mrs Bratu), on account of the fact that they did not have access to effective remedies in respect of their complaint under Article 6 § 1 of the Convention, and of Article 6 § 1 in respect of all applicants on account of their right to a trial within a reasonable time, and that the above violations had originated in the malfunctioning of the relevant domestic legislation and practice. The Court also decided to award the applicant Mihai Vlad 3,600 euros (EUR) for non-pecuniary damage, the applicant Flaviu Plața EUR 7,800 for non-pecuniary damage, and the applicant Vasilica Bratu EUR 2,340 also for non-pecuniary damage, and dismissed the remainder of the claims for just satisfaction.

3. On 8 April 2014 the Government informed the Court that they had learned during the execution procedure, more precisely on 26 March 2014, of the death of the applicant Mihai Vlad (application no. 40756/06), which occurred on 29 October 2006. The Government accordingly requested a revision of the judgment under Rule 80 of the Rules of Court.

4. On 1st July 2014 the Court considered the request for revision and decided to give the applicant’s representative three weeks in which to submit

any observations. To this date, no reply was received on the applicant's behalf.

THE LAW

THE REQUEST FOR REVISION

5. The Government requested revision of the judgment of 26 November 2013, which they had been unable to execute because the applicant in application no. 40756/06, Mr Mihai Vlad, had died before the judgment had been adopted.

6. No heirs or relatives have shown interest in pursuing the procedure.

7. The Court considers that the judgment of 26 November 2013 should be revised pursuant to Rule 80 of the Rules of Court, the relevant parts of which provide:

“1. 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, within a period of six months after that party acquired knowledge of that fact, to revise that judgment.

...”

8. The Court notes that the applicant in application no. 40756/06 had died before it adopted the judgment of 26 November 2013. In fact, the death of the applicant occurred on 29 October 2006 (see paragraph 3 above), less than a month from the introduction of the application. It further notes that no observations have been submitted to it by any potential heirs.

9. The Court considers that the applicant's 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, which became aware of the applicant's death on 26 March 2014 (see *Manushaqe Puto and Others v. Albania* (revision), nos. 604/07 and 3 others, §§ 9-10, 4 November 2014). They filed a request for revision of the judgment on 8 April 2014 (see paragraph 3 above), that is, within the time-limit provided for by Rule 80.

10. In these circumstances, the Court accepts the Government's request for revision of the judgment of 26 November 2013.

11. The Court further 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, with further references; see also, as concrete examples of the application of this practice, *Racoltea and Others v. Romania* [Committee] (revision),

nos. 70116/13 and 17 others, §§ 5-13, 16 January 2020, and *Cioatǎ and Others v. Romania* [Committee] (revision), no. 48095/07, §§ 6-17, 11 February 2021). It moreover 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 application.

12. Accordingly, application no. 40756/06, introduced by Mr Mihai Vlad, should be struck out of the Court's list of cases in accordance with Article 37 § 1 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to revise its judgment of 26 November 2013 in the case of *Vlad and Others v. Romania* in respect of application no. 40756/06;

and, accordingly,

2. *Decides* to strike application no. 40756/06, lodged by Mr Mihai Vlad, out of its list of cases.

Done in English, and notified in writing on 15 October 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti
Registrar

Gabriele Kucsko-Stadlmayer
President