



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

FOURTH SECTION

CASE OF LUNGU v. MOLDOVA

(Application no. 17911/08)

JUDGMENT

(just satisfaction-friendly settlement)

STRASBOURG

6 April 2010

This judgment is final but it may be subject to editorial revision.

In the case of Lungu v. Moldova,

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

Nicolas Bratza, *President*,

Lech Garlicki,

Giovanni Bonello,

Ljiljana Mijović,

David Thór Björgvinsson,

Ledi Bianku,

Mihai Poalelungi, *judges*,

and Lawrence Early, *Section Registrar*,

Having deliberated in private on 16 March 2010

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

PROCEDURE

1. The case originated in an application (no. 17911/08) against the Republic of Moldova lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by three Moldovan nationals, Artur, Corina and Olivia Lungu (“the applicants”), on 2 April 2008. Their application was dealt simultaneously with applications nos. 476/07, 22539/05 and 13136/07 and formed part of the overall case of *Olaru and Others v. Moldova* (nos. 476/07, 22539/05, 17911/08 and 13136/07, 28 July 2009).

2. The applicants were represented by Ms J. Hanganu, a lawyer practising in Chişinău. The Moldovan Government (“the Government”) were represented by their Agent, Mr V. Grosu.

3. The applicants complained under Article 6 § 1 and under Article 1 of Protocol No. 1 to the Convention about the late enforcement of a final judgment in their favour.

4. In a judgment delivered on 28 July 2009 (“the principal judgment”), the Court held that there had been a violation of the applicants' rights provided for by Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention as a result of the non-enforcement of a final judgment (see *Olaru and Others v. Moldova*, cited above).

5. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicants to submit, within three months, their written observations on that issue.

6. The applicants and the Government reached a friendly settlement.

THE FACTS

7. The applicants, Artur, Corina and Olivia Lungu are a family of Moldovan nationals who were born in 1972, 1973 and 1994 respectively and live in Straseni.

8. Between 1997 and 2003 the first applicant was a judge. By a final judgment of 10 September 2001 of the Edineț District Court, the Edineț Municipal Council was ordered to provide the applicants with housing in accordance with the provisions of the Law on the Status of Judges.

9. Since the judgment was not enforced, on 11 March 2005 the applicants applied for a change in the manner of enforcement of the judgment.

10. On 9 June 2006 the Râșcani District Court ordered the Edineț Local Council to pay the applicants the value of the apartment, namely 15,000 dollars (USD).

11. The judgment of 10 September 2001 was enforced on 17 December 2008.

12. On 28 July 2009 the Court examined the merits of the present case within the framework of *Olaru and Others v. Moldova* (cited above) and found a violation of Article 6 and Article 1 of Protocol No. 1 to the Convention.

THE LAW

13. On 1 February 2010 the Court received a friendly settlement agreement from the parties. According to that agreement the Government agreed to pay the applicants 5,000 euros (EUR) for pecuniary damage, EUR 1,200 for non-pecuniary damage and EUR 1,000 for costs and expenses to be converted into Moldovan Lei at the rate applicable on the date of judgment. The above amounts are to be free of tax and be paid to the applicants within three months from the date on which the Court delivers a strike-out decision in the case. The parties also agreed that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. In exchange the applicants agreed to waive any further claims against Moldova in respect of the facts giving rise to this application.

14. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

15. Accordingly, the remainder of the case as regards these applicants (application no. 17911/08) should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Takes formal note* of the agreement between the parties and the arrangements made to ensure compliance with the undertakings given therein (Rule 43 § 3 of the Rules of Court);
2. *Decides* to strike the remainder of the case (no. 17911/08) out of its list of cases.

Done in English, and notified in writing on 6 April 2010, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Lawrence Early
Registrar

Nicolas Bratza
President