



Judgments of 19 May 2015

The European Court of Human Rights has today notified in writing seven judgments¹:

seven Chamber judgments are summarised below; for one other, in the case of *Lupeni Greek Catholic Parish and Others v. Romania* (application no. 76943/11), a separate press releases has been issued;

two Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment in French below are indicated with an asterisk ().*

Petkov and Parnarov v. Bulgaria (application no. 59273/10)*

The applicants, Plamen Petkov Petkov and Petar Danailov Parnarov, are Bulgarian nationals. They were born in 1982 and 1978 respectively and live in Sofia. The case concerned their complaint that they had been ill-treated by police officers.

Mr Petkov and Mr Parnarov claimed that on the night of 3 July 2009 they had attempted to intervene between a group of young girls who were being assaulted and their assailants. A police patrol arrived at the scene, but instead of pursuing the fleeing assailants the police officers beat Mr Petkov and Mr Parnarov up and took them to the police station, where they were remanded in custody and then charged with disrupting public order. They were finally released on 7 July 2009, and in 2010 the Sofia District Court acquitted them of all the charges against them.

After their release Mr Petkov and Mr Parnarov were examined by a forensic medical expert, who found several injuries which might have been caused by police ill-treatment at the time of their arrest. They then lodged a complaint and a preliminary investigation was conducted, after which no formal decision was taken. However, the prosecutor decided to prosecute Mr Petkov and Mr Parnarov for wrongfully accusing the police officers. Mr Petkov and Mr Parnarov were acquitted by judgment of the Sofia District Court, which judgment was upheld on appeal by the Sofia City Court on 7 November 2011. These courts considered that the applicants were justified in concluding that by arresting them in such a heavy-handed manner instead of assisting them in the wake of the altercation with the other individuals, the police officers had been acting in excess of their authority. Mr Petkov and Mr Parnarov claimed compensation for their wrongful accusation. The Sofia District Court partly upheld Mr Parnarov's claim, whereas in June 2014 Mr Petkov's claim was still pending.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Petkov and Mr Parnarov complained that they had been ill-treated by the police officers who arrested them. They also complained of the lack of an effective investigation into their complaint and the fact that they themselves had been prosecuted for wrongful accusation.

Violation of Article 3 (treatment)

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Violation of Article 3 (investigation)

Just satisfaction: 6,000 euros (EUR) (non-pecuniary damage) each to Mr Petkov and Mr Parnarov and EUR 2,000 (costs and expenses) to both applicants jointly

Anton v. Romania (no. 57365/12)*

The applicant, Florin Anton, is a Romanian national. He was born in 1984 and lives in Bucharest.

The case concerned acts of violence and ill-treatment allegedly inflicted on Mr Anton by several police officers during an investigation into a number of thefts.

Suspected of having committed a number of thefts, Mr Anton was arrested on 26 August 2010 by the Ilfov county police. The applicant claims that throughout this operation until his placement in custody he suffered repeated acts of physical violence from the police officers, geared to extorting a confession from him. The medical record drawn up prior to his placement in police custody mentioned traces of violent assault.

Mr Anton was charged and remanded in custody. On 28 August 2010 he was taken to hospital for emergency treatment, where a number of injuries to his body were noted. On 15 September 2010 an investigation was instigated by the prosecutor of the Bucharest Court of Appeal following a report by a delegation from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Mr Anton lodged a complaint on 8 October 2010 regarding the alleged violence against him. It was decided not to prosecute some of the police officers whom Mr Anton had specifically identified or to launch a fresh investigation, and to discontinue the prosecution of some other police officers. Mr Anton contested the discontinuance decision, although it was upheld on 23 November 2011. Relying on the lack of effective investigations by the prosecution, he lodged an appeal with the Bucharest Court of Appeal, which dismissed it on 7 June 2012. Concurrently, the prosecutor attached to the Bucharest County Court gave a decision discontinuing the proceedings against a number of other police officers, three of whom had also been identified by the applicant as having attacked him. Mr Anton states that he challenged this decision of discontinuance but received no reply from the Romanian authorities.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Anton complained that he had not benefited from an effective investigation into his complaint against the police officers who had physically assaulted him.

Violation of Article 3 (treatment)

Violation of Article 3 (investigation)

Just satisfaction: EUR 12,000 (non-pecuniary damage)

Fălie v. Romania (no. 23257/04)

The applicant, Dragoş Fălie, is a Romanian national. He was born in 1951 and lives in Bucharest.

The case concerned his right of access to court, namely the dismissing of his civil action by the Court of Appeal in the context of property proceedings.

In 1999, Mr Fălie bought a house in Bucharest and the land on which it was built. It was adjacent to a parcel of land which had been purchased by two other parties in 1948. In 2001 Mr Fălie lodged a civil action against those third parties, in order to obtain the demarcation of the adjacent parcels and the return of an area of land, which was allegedly being illegally occupied by the third parties. The Bucharest District Court, and subsequently the Bucharest County Court, allowed the applicant's action on the basis of expert reports.

On 26 November 2003, the Bucharest Court of Appeal allowed the defendants' appeal on points of law, quashed the decisions of the first two courts and dismissed Mr Fălie's action. It held that both he and the defendants had in their possession smaller areas of land than those mentioned in their respective contracts of acquisition. It also held that the parties could bring a fresh action only if they could not reach a friendly settlement.

Relying in particular on Article 6 § 1 (right to a fair trial), Mr Fălie alleged that the national court of last resort had dismissed his civil complaint without deciding on its merits, thus infringing his right to peaceful enjoyment of his possessions.

Violation of Article 6 § 1 (access to court)

Just satisfaction: EUR 3,600 (non-pecuniary damage)

Revision

Nicolae Augustin Rădulescu v. Romania (no. 17295/10)

The case concerned detention conditions in Jilava Prison near Bucharest. The applicant, Nicolae Augustin Rădulescu, is a Romanian national who was born in 1966 and lived in Bucharest. He complained about the conditions of his detention in Jilava Prison following his conviction of fraud. Mr Rădulescu had served his sentence from September 2008 to November 2010. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complained in particular about overcrowding and lack of hygiene.

In its [judgment](#) delivered on 11 February 2014, the Court held that there had been a violation of Article 3 and awarded the applicant 5,000 euros (EUR) for non-pecuniary damage.

On 22 July 2014 the Government informed the Court that they had learned that the applicant had died on 10 April 2013. They accordingly requested revision of the judgment of 11 February 2014, which they had been unable to execute because the applicant had died before the judgment had been adopted. They asked the Court to strike the case out and abate the award of just satisfaction.

The Court decided to revise its judgment of 11 February 2014 in so far as it concerned the claims made under Article 41 (just satisfaction) of the Convention by Mr Rădulescu's heir, that is his mother, and held that Romania was to pay her EUR 5,000 in respect of non-pecuniary damage.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.