

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

FOURTH SECTION

DECISION

Application no. 60181/14
Constantin IUPCEANU against Romania
and 2 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 17 November 2016 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Egidijus Kūris,
Gabriele Kucsko-Stadlmayer, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the formal declarations accepting a friendly settlement of the cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Romanian Government ("the Government"). In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

The Court received friendly-settlement declarations under which the applicants agreed to waive any further claims against Romania in respect of the facts giving rise to these applications, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the Court's decision. In the

event of failure to pay these amounts within the above-mentioned three-month period, the Government undertake to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the cases.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the applications. In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the inadequate conditions of detention.

In the application no. 60181/14, the applicant also raised other complaints under Article 3 of the Convention.

The Court has examined the application no. 60181/14 and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application no. 60181/14 must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention as regards the complaints concerning the inadequate conditions of detention;

Declares the remainder of application no. 60181/14 inadmissible.

Done in English and notified in writing on 8 December 2016.

Hasan Bakırcı
Deputy Registrar

Vincent A. De Gaetano
President

APPENDIX

List of applications raising complaints under Article 3 of the Convention
(inadequate conditions of detention)

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Date of receipt of Government declaration	Date of receipt of Applicant's declaration	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	60181/14 07/01/2015	**Constantin IUPCEANU** 09/09/1955		10/10/2016	26/09/2016	3,000
2.	63588/14 11/09/2014	**Iulian-Cristian BRÎNZEI** 10/07/1969	**Alina GHERMAN** Iași	10/10/2016	14/09/2016	4,200
3.	52311/15 04/01/2016	**Alexandru-Florin VOINEA** 12/07/1964	**Irina-Maria PETER** București	10/10/2016	30/09/2016	3,200

[i] Plus any tax that may be chargeable to the applicants.