

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

FOURTH SECTION

DECISION

Application no. 54357/14
Romică MITALĂ against Romania
and 2 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 18 May 2017 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Iulia Motoc,
Marko Bošnjak, *judges,*
and Karen Reid, *Section Registrar,*

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

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicants' replies to these declarations,

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").

After unsuccessful friendly-settlement negotiations, the Government submitted declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications.

The Government acknowledged the inadequate conditions of detention. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be converted into the currency of the respondent State at the rate applicable

on the date of payment, and would 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 undertook 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 applicants informed the Court that they agreed to the terms of the declarations.

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 finds that, following the applicants' express agreement to the terms of the declaration made by the Government, the cases should be treated as a friendly settlement between the parties.

It therefore 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 the 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 covered by the unilateral declarations sent by the Government.

The applicant in the application no. 54357/14 also raised another complaint under Article 3 of the Convention concerning the period of detention from 31 December 2013 to 6 January 2014.

The Court has examined this complaint 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, this complaint does 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. 54357/14 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 covered by the unilateral declarations sent by the Government;

Declares the remainder of the application no. 54357/14 inadmissible.

Done in English and notified in writing on 8 June 2017.

Karen Reid 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's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	54357/14 11/09/2014	**Romică Mitală** 17/07/1966		14/12/2016	20/02/2017	3,510
2.	1845/15 17/02/2015	**Gheorghe Guran** 12/01/1959		19/01/2017	13/02/2017	13,500
3.	62217/15 03/03/2016	**Ionuţ Nicoară** 27/03/1988		19/12/2016	09/02/2017	2,880

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