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

FOURTH SECTION

# DECISION

Application no. 42761/16
Constantin PLEȘCAN against Romania
and 9 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 8 December 2022 as a Committee composed of:

Armen Harutyunyan*, President*,
Anja Seibert-Fohr,
Ana Maria Guerra Martins*, judges*,

and Viktoriya Maradudina, *Acting 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").

The Court received the friendly-settlement declarations, signed by the parties, 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.

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.

Done in English and notified in writing on 12 January 2023.

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| Viktoriya Maradudina<br>Acting Deputy Registrar | Armen Harutyunyan<br>President |

# APPENDIX

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

| No. | Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Date of receipt of Government's declaration | Date of receipt of Applicant's declaration | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1] |
|---|---|---|---|---|---|---|
| 1. | 42761/16<br>10/01/2017 | **Constantin PLEȘCAN**<br>1956 | | 03/11/2022 | 27/07/2022 | 3,000 |
| 2. | 63027/16<br>10/02/2017 | **Dorin BURICU**<br>1989 | | 03/11/2022 | 30/06/2022 | 3,000 |
| 3. | 18056/17<br>28/02/2017 | **Ilie-Iosif NĂSĂLEAN**<br>1979 | | 03/11/2022 | 07/09/2022 | 3,000 |
| 4. | 38708/17<br>17/05/2017 | **Constantin HORȚEA**<br>1985 | Andreea-Gabriela Cadar<br>Galați | 03/11/2022 | 07/07/2022 | 3,000 |
| 5. | 42218/17<br>18/10/2017 | **Petre-Ioan SAVU**<br>1979 | | 03/11/2022 | 18/07/2022 | 3,000 |
| 6. | 43743/17<br>09/06/2017 | **Ionel GUGOAȘĂ**<br>1955 | Cornel Dumea<br>Roman | 03/11/2022 | 30/06/2022 | 3,000 |
| 7. | 46450/17<br>20/06/2017 | **Marius-Viorel FRENȚESCU**<br>1978 | Daniela Tonică<br>Husi | 03/11/2022 | 02/06/2022 | 3,000 |
| 8. | 47544/17<br>23/06/2017 | **Răzvan-Marius POP**<br>1983 | Livia Gabriela Dulămiță<br>Dej | 03/11/2022 | 22/06/2022 | 3,000 |
| 9. | 59359/17<br>04/08/2017 | **Nicolae VIZIRU**<br>1966 | Andreea-Gabriela Cadar<br>Galați | 03/11/2022 | 07/07/2022 | 3,000 |
| 10. | 81259/17<br>27/02/2018 | **Anghel-Răducu IACOB**<br>1983 | Daniela Zaharia Mănescu<br>Bucharest | 03/11/2022 | 08/09/2022 | 3,000 |

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