

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

FOURTH SECTION

DECISION

Application no. 68175/13
Manolea PREDA against Romania
and 2 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 7 September 2017 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Georges Ravarani,
Marko Bošnjak, *judges,*

and Liv Tigerstedt, *Acting Deputy 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,

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 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 Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these

complaints. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

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 were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see the principles emerging from the Court's case-law, and in particular the *Tahsin Acar v. Turkey* judgment (preliminary objections) ([GC], no. 26307/95, §§ 75-77, ECHR 2003-VI)).

The Court has established clear and extensive case-law concerning complaints relating to the inadequate conditions of detention (see, for example, *Iacov Stanciu v. Romania,* no. 35972/05, 24 July 2012).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be

restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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.

The applicant in applications nos. 68175/13 and 61298/14 also raised another complaint under Article 3 of the Convention concerning the period of detention from 23 September 1993 to 10 May 1995 and from 5 December 1996 to 21 July 1997.

The Court has examined this complaint and finds that it is inadmissible for non-compliance with the six-month rule set out in Article 35 § 1 of the Convention.

It follows that this part of the applications nos. 68175/13 and 61298/14 must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Takes note* of the terms of the respondent Government's declarations in so far as they concern the inadequate conditions of detention, and of the arrangements for ensuring compliance with the undertakings referred to therein;

*Decides* to strike this part of the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

*Declares* the remainder of the applications nos. 68175/13 and 61298/14 inadmissible.

Done in English and notified in writing on 28 September 2017.

Liv Tigerstedt
Acting 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.<br>Date of introduction | Applicant name<br>Date of birth | Representative name and location | Date of receipt of Government's declaration | Date of receipt of applicant's comments, if any | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i] |
|---|---|---|---|---|---|---|
| 1. | 68175/13<br>16/10/2013 | **Manolea Preda**<br>19/10/1951 | | 26/01/2017 | | 6,930 |
| 2. | 61298/14<br>10/12/2014 | | | | | |
| 3. | 57708/15<br>04/01/2016 | **Attila Kocsis**<br>05/12/1975 | Augustin Viorel Ţigan | 24/02/2017 | | 4,230 |

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