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

THIRD SECTION

DECISION

Application no. 26148/07
Ion SAVA
against Romania

The European Court of Human Rights (Third Section), sitting on 27 May 2014 as a Committee composed of:

Alvina Gyulumyan, *President,*
Kristina Pardalos,
Johannes Silvis, *judges,*

and Marialena Tsirli, *Deputy Section Registrar*,

Having regard to the above application lodged on 8 June 2007,

Having regard to the observations submitted by the parties,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Ion Sava, is a Romanian national, who was born in 1958 and lives in Telec.

2. The Romanian Government ("the Government") were represented by their Agent, Mr R.-H. Radu, of the Ministry of Foreign Affairs.

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. On 12 November 1999 a private person filed a complaint against twelve public officials, including the applicant who was a policeman at the time, accusing them of abuse of office and forgery in the context of several requests for restitution of nationalised land.

5. On 17 August 2000 the Military Prosecutor's Office of the Military Court of Appeal decided to clear the applicant and other two suspects of all charges against them. This decision was quashed on 12 July 2001 by the superior prosecutor who ordered the reopening of the proceedings with respect to the three persons concerned.

6. On 25 July 2001 the applicant was informed of the charges against him and his statement was taken by the prosecutor.

7. Between 25 July 2001 and 26 April 2002 the applicant, twenty-two other suspects and twenty-nine witnesses were heard by the prosecutor. On 9 February, 19 March and 26 April 2002 several suspects were charged with additional crimes. In the course of 2002 and 2003 several expert reports were conducted in the case.

8. Due to the fact that three judges and a prosecutor were among the suspects under investigation, a special lengthier procedure which included the request of special authorisations from the Ministry of Justice had to be followed. Finally, on 22 June 2004 the General Prosecutor's Office issued an indictment decision which concerned twenty-three public officials, including the applicant, who was indicted for the crimes of forging official documents and use of forged documents.

9. On 1 July 2004 the criminal investigation file was forwarded to the Harghita County Court and the trial started with respect to six defendants including the applicant.

10. On 22 December 2005 the Harghita County Court convicted the applicant for forgery and use of forged documents and sentenced him to one year imprisonment conditionally suspended.

11. The applicant's appeal against this decision was rejected by the Târgu Mureş Court of Appeal on 23 June 2006.

12. In a final judgment of 22 January 2007 the High Court of Cassation and Justice partially allowed the applicant's appeal on points of law (*recurs*) against the judgment of 23 June 2006. The court observed that the statute of limitations was met with respect to both crimes committed by the applicant.

COMPLAINTS

13. Invoking Article 3 of the Convention the applicant complained that on 28 March 2002 he was subjected to ill-treatment by the prosecutors who investigated his case.

14. The applicant complained under Article 6 § 1 of the Convention about the excessive length of the criminal proceedings against him. Under the same Article he complained of the unfairness of the proceedings and the lack of impartiality of the domestic courts.

15. Finally, the applicant complained under Article 8 of the Convention that his right to reputation had been breached by the fact that several local and national newspapers reported in 2004 about the fact that he was indicted and waiting for the trial.

THE LAW

A. Complaint under Article 6 § 1 concerning the length of proceedings

16. The applicant complained that the length of the criminal proceedings against him had been incompatible with the "reasonable time" requirement laid down in Article 6 § 1 of the Convention, which reads as follows:

> "In the determination of ... any criminal charge against him, everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ..."

17. The Government submitted that the length of the proceedings was reasonable having in mind the complexity of the case and the number of accused persons. They further submitted that there were no periods of inactivity in the treatment of the case by the domestic authorities.

18. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (see, among many other authorities, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II).

19. The Court also reiterates that the period to be taken into consideration under Article 6 § 1 of the Convention must be determined autonomously. It begins at the time when formal charges are brought against a person or when that person has otherwise been substantially affected by actions taken by the authorities as a result of a suspicion against him (see, among other authorities, *Eckle v. Germany*, 15 July 1982, § 73, Series A no. 51).

20. The Court notes in the current case that for the purposes of Article 6 § 1, the period to be taken into consideration began on 25 July 2001, when the applicant was first informed of the charges against him and gave a first statement before the investigators. The proceedings ended with the final judgment of the High Court of Cassation and Justice of 22 January 2007 and hence they lasted five years and six months before the prosecutor's office and three levels of jurisdiction before the courts.

21. The Court further notes that the criminal investigation, which may be considered particularly complex having in mind the high number of accused persons as well as their official quality (see paragraphs 7 and 8 above), lasted two years, ten months and twenty-eight days. The trial before the domestic courts was concluded two years and seven months later. Hence, the Court considers that, despite certain delays during the criminal investigation, the length of the proceedings taken as a whole was not excessive.

22. Therefore, having examined all the material submitted to it and regard being had to its case-law on the subject, the Court considers that in the instant case the length complained of cannot be considered as unreasonable within the meaning of Article 6 § 1 of the Convention.

It follows that this part of the application is manifestly ill-founded and must, as such, be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

B. Other complaints

23. The applicant also complained under Article 3 of the Convention of being ill-treated by the prosecutors and under Article 8 of a breach of his right to reputation by the publication of newspaper articles describing the status of the criminal investigation against him. He further complained of the unfairness of the proceedings and the lack of impartiality of the domestic courts in breach of Article 6 § 1 of the Convention.

24. Having considered the applicant's submissions in light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that this part of the application must be rejected in accordance with Article 35 §§ 1, 3 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Marialena Tsirli	Alvina Gyulumyan
Deputy Registrar	President