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

FOURTH SECTION

DECISION

Application no. 56472/17
T.-A.R.
against Romania

The European Court of Human Rights (Fourth Section), sitting on 28 septembre 2021 as a Committee composed of:

Gabriele Kucsko-Stadlmayer, *President,*
Iulia Antoanella Motoc,
Pere Pastor Vilanova, *judges,*
and Ilse Freiwirth, *Deputy Section Registrar,*

Having regard to the above application lodged on 21 July 2017,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr T.-A.R., is a Romanian national who was born in 1980 and lives in Focșani. The President of the Section granted the applicant anonymity of his own motion (Rule 47 § 4 of the Rules of Court).

2. The Romanian Government ("the Government") were represented by their Agent, most recently Ms O. Ezer of the Ministry of Foreign Affairs.

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

4. The applicant submitted numerous complaints to the Court. He explained that several crimes against humanity had been committed against him and that several criminal files had been falsified against him. Among others, he complained of being admitted to a psychiatric hospital for the purpose of conducting a psychiatric assessment and of his obligation to undergo medical treatment.

5. The applicant's complaints under Article 5 § 1 b) and Article 8 of the Convention were communicated on 13 September 2018 to the Government, which submitted observations on the admissibility and merits of the case.

6. On 18 September 2018, 25 March and 29 August 2019 the Court requested the applicant to appoint a representative and advised him to contact the Romanian Bar Association if he could not find one himself. The applicant refused to designate a lawyer and submitted a representation agreement signed before a notary, dated 5 September 2017, empowering his mother to represent him in all proceedings.

7. On 26 June 2020 the applicant submitted an application for the recusal of all judges assigned to the Fourth Section of the Court and expressed concerns about their independence. In his submission, the applicant accused some of the judges of the Court of being "mafia members". On 10 July 2020, the President of the Court dismissed the applicant's application for recusal.

8. In a letter received by the Court on 1 September 2020, the applicant accused members of the Registry of falsifying documents he addressed to the Court and of being "state mafia" members. He also used insulting language when referring to members of the Registry and alleged that the President of the Court and one of the judges of the Fourth Section "[had] falsified documents on behalf of the ECHR". He mentioned that some of the judges of the Court were "mafia members" and "criminals".

9. In his observations in reply to those of the Government, the applicant stated that the Court was one of the "fake institutions" created in order to maintain a "fascist regime" in Europe.

10. In a letter of 2 March 2020, the applicant's attention was drawn to the fact that, where an applicant expresses himself in terms exceeding the bounds of normal criticism and persists in the use of insulting or provocative language, the application may be considered an abuse of the right of application and be rejected pursuant to Article 35 § 3(a) of the Convention.

11. In a letter of 25 May 2021, the applicant sent to the Court a "fair warning letter to cease and desist injustice against [him], else be condemned for it" in which he alleged that the Court "[had] assured the Romanian "state" mafia [that] there will be no justice". He mentioned that he kept updated an Internet page about the criminal complaints that he had lodged against some of the judges of the Court.

COMPLAINTS

12. The applicant complained under Article 5 of the Convention that his detention in hospital for the purpose of conducting a psychiatric assessment had been unlawful. He also complained under Article 8 of the Convention that he had been unnecessarily and unlawfully convicted to undergo medical treatment.

THE LAW

13. The Court notes that the applicant has sent a number of letters making serious defamatory and groundless accusations about the integrity of certain judges of the Court and members of its Registry (paragraphs 8, 9 and 11 cited above). These letters were formally submitted to the Court (see, in contrast, *Rosin v. Estonia*, no. 26540/08, § 43, 19 December 2013). In seeking to ensure the widest circulation of his accusations and insults (paragraph 11 *in fine* cited above), the applicant has evidenced his determination to harm and tarnish the reputation of the very institution of the European Court of Human Rights, its members and staff (see, *mutatis mutandis*, *Řehák v. the Czech Republic* (dec.), no. 67208/01, 18 May 2004).

14. The Court reiterates that the use of particularly vexatious, insulting, threatening or provocative language by the applicant – whether directed against the respondent State or the Court itself – may be considered an abuse of the right of petition within the meaning of Article 35 § 3 (a) of the Convention (see *Apinis v. Latvia* (dec.), no. 46549/06, § 15, 20 September 2011).

15. In the present case, the Court is of the opinion that the applicant's allegations are intolerable, exceed the bounds of normal − albeit misplaced – criticism and amount to contempt of court (see, *mutatis mutandis*, *Haţegan v. Romania* (dec.), no. 24159/03, §§ 15, 17 and 29, 17 April 2012; *Apinis*, cited above, §§ 6, 9 and 16; and *Řehák*, cited above). It is unacceptable to seek the protection of a court in which the applicant has lost all trust (see, *mutatis mutandis*, *Zhdanov and Others v. Russia*, nos. 12200/08 and 2 others, § 85, 16 July 2019). Such conduct by the applicant, even supposing that his original application were not to be deemed manifestly ill-founded, is contrary to the purpose of the right of individual petition, as provided for in Articles 34 and 35 of the Convention. There is no doubt that it constitutes an abuse of the right of application within the meaning of Article 35 § 3 of the Convention.

16. It follows that the present case must be rejected as an abuse of the right of application, pursuant to Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 4 November 2021.

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Ilse Freiwirth Deputy Registrar	Gabriele Kucsko-Stadlmayer President