



Judgments of 23 February 2021

The European Court of Human Rights has today notified in writing two Chamber judgments¹, which are summarised below.

These judgments are available only in French.

Vilela v. Portugal (application no. 63687/14)

The applicants, Pedro Miguel Afonso Vilela, Benedito Alves Vilela and Maria dos Anjos Pereira Afonso, are Portuguese nationals who were born respectively in 1994, 1965 and 1966 and live in Vila Verde. The second and third applicants are the parents of the first applicant, who was born in 1994 and died on 6 April 2017.

The case concerned allegations of medical negligence during the hospitalisation of the third applicant, when she had given birth to the first applicant, who was born with a 100% degree of disability.

The applicants complained in particular of a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

No violation of Article 8 (substantive limb – medical treatment) in respect of Pedro Miguel Afonso Vilela

Violation of Article 8 (procedure) in respect of Pedro Miguel Afonso Vilela

The Court declared the other applicants' complaints inadmissible.

Just satisfaction: 6,500 euros (EUR) for non-pecuniary damage and EUR 10,000 for costs and expenses to Pedro Miguel Afonso Vilela's parents.

Iancu v. Romania (no. 62915/17)

The applicant, Olimpia-Mirela Iancu is a Romanian national who was born in 1974 and lives in Oradea.

The case concerned criminal proceedings following which the applicant had been convicted of complicity in fraud.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention, the applicant complained that a final judgment delivered on appeal following those proceedings had been signed by only four out of five judges on the bench. As a fifth judge had retired before being able to sign the judgment, another judge, who had not taken part in the proceedings, had signed for her. The applicant alleged in substance that the other judge had not had any direct knowledge of the case.

No violation of Article 6 § 1

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: http://www.coe.int/t/dghl/monitoring/execution_-_blank

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.