

Publication:
Title: Dambean v. Romania
Application No: 42009/04
Respondent: Romania
Referred by:
Date of reference by Commission:
Date of reference by State:
Date of Judgment: 23-07-2013
Articles: 2 **Conclusion** Violation of article 2
41 : Compensation awarded
Keywords: LIFE

Summary:

(Press release)

The applicant is a Romanian national who was born in 1956 and lives in Deva (Romania). The case concerned her complaint about a lack of effective investigation into the death of her husband following a road accident. After a collision with a van driven by V.M., Mrs Dâmbean's husband died from his injuries in July 1999. Three months later, Mrs Dâmbean sought compensation for the damage caused to her by her husband's death. Even though in March 2000 an initial expert's report found that liability for the accident was imputable to V.M., this was not the conclusion of a second report by the national forensic institute for criminal investigations in September 2004. The criminal proceedings against V.M. were subsequently dropped and, in a final judgment of October 2006, the Romanian courts dismissed Mrs Dâmbean's appeal on points of law. Relying in particular on Article 2 (right to life), Mrs Dâmbean alleged that the investigation concerning her husband's death was not effective.

Violation of Article 2 (procedural limb) - in respect of the ineffective investigation into the death of the applicant's husband

Just satisfaction: EUR 15,000 (non-pecuniary damage) **and EUR 390** (costs and expenses)