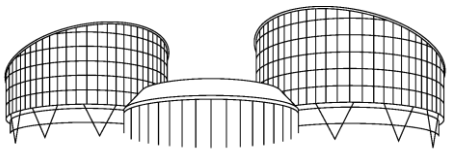

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF JALBĂ v. ROMANIA

(Application no. 43912/10)

JUDGMENT

STRASBOURG

18 February 2014

FINAL

18/05/2014

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Jalbă v. Romania,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Josep Casadevall, *President,*
Alvina Gyulumyan,
Luis López Guerra,
Nona Tsotsoria,
Johannes Silvis,
Valeriu Griţco,
Iulia Antoanella Motoc, *judges,*
and Santiago Quesada, *Section Registrar,*

Having deliberated in private on 28 January 2014,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 43912/10) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Romanian national, Mr Laurentiu Emilian Jalbă ("the applicant"), on 20 July 2010.

2. The applicant was represented by Ms R.M. Jalbă, a lawyer practising in Galaţi. The Romanian Government ("the Government") were represented by their Agent, Ms C. Brumar, from the Ministry of Foreign Affairs.

3. The applicant alleged, in particular, that his right to respect for his reputation and dignity, including his right to respect for private life – as guaranteed by Article 8 of the Convention – had been breached by the publication of a newspaper article on 11 April 2008, and because the domestic courts had dismissed his complaint in this regard without striking a proper balance between the opposing interests at stake.

4. On 8 October 2012 the application was communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1978 and lives in Galaţi.

A. Civil proceedings opened by the applicant against the journalist

6. The applicant is a civil servant and works for the Galaţi mayor's office as head of the technical department. On 11 April 2008 an article was published in the local online newspaper *Antidotul* by the journalist I.G. The title of the article, printed in bold type, was "Two Slyboots from the Mayor's Office Protect the Maxi-taxi Mafia in Galaţi"*(Doi şmecheri din primărie protejează mafia maxi-taxi din Galaţi)*. A photograph of the applicant was shown under the title of the article with the following comment in bold type: *"*Suckers complain in vain to Jalbă*" (La Jalbă, fraierii vin degeaba cu jalba-n proţap)*.

7. The article started by describing the applicant as the former head of the department of transport in the Galaţi mayor's office, who was subsequently promoted to a higher-level post within the mayor's office. The article went on to present what the journalist deemed to be "the facts". Firstly, it stated that it was no coincidence that the son of the applicant's successor as head of the department of transport in the Galaţi mayor's office had been employed as a manager by company S., one of the larger private maxi-taxi transport providers operating in the area. It stated that this was an attempt "to ensure peace of mind on the road and a healthy profit" for the transport provider. Secondly, it stated that "it's blatantly obvious that young Laurenţiu Jalbă is an old fox in a sneaky business. The dude owns cars that run on the maxi-taxi routes and bring in large sums of money for the private transport operator ACJGT". The last part of the article depicted violence similar to the kind found in films portraying members of organised crime and went on to state that the local public transport department operated by the town council had made several attempts to improve transport services in the city but its requests for public transport licences – including transport licences for the routes covered by the maxi-taxis – had been rejected by "the mayor's office when the applicant was employed there", in spite of the scandal that ensued, "because this fellow, with his maxi-taxi business, is not interested in making the public transport services efficient, but rather in filling up his bank accounts without anyone holding him accountable".

8. Since he considered the impugned article to be defamatory and to have subjected him to public contempt, thereby destroying his honour, dignity and professional reputation and interfering with his right to family life, the applicant lodged a general tort-law action against the journalist I.G. seeking 10,000 lei (RON) (approximately 2,800 euros (EUR)) in compensation for non-pecuniary damage. He argued that the journalist had published an insulting and slanderous article about him, accusing him of abuse of power without any proof and without properly examining the transport legislation in force at the time. He submitted evidence proving that neither he nor his family members owned any maxi-taxi business – nor were they associated with one – that no disciplinary or criminal action had been

initiated against him for alleged acts of corruption, that the department of transport he was managing had not suffered any loss as a result of his actions, and that no third parties had lodged any complaints in relation to his conduct. In addition, he submitted that – under the transport legislation in force at the time – the 2005 contract for transport licences awarded to the local public transport operator could not have been reallocated for a period of five years and no other licences could therefore have been granted during that period. Consequently, he claimed that not one of the journalist's statements was true.

9. In his submissions in reply to the applicant's general tort-law action, I.G. contended before the domestic courts that his article had been intended to inform the public about the public transport situation in the city and not to defame the applicant. In addition, he argued that the applicant had failed to ask the newspaper to publish a rebuttal (*drept la replică*). Furthermore, his article had used as a source of information complaints lodged with the Galaţi mayor's office by several vehicle owners with regard to the failure of the mayor's office to issue transport licences for private maxi-taxi operators which had fulfilled the lawful requirements to obtain such a licence. Moreover, in an article published on 18 September 2008 in the local newspaper *Impact Est*, the applicant had acknowledged that his mother had worked as a taxi driver for the private transport provider ACJGT between 2004 and February 2007. Lastly, he submitted copies of the aforementioned pieces of evidence before the domestic courts.

10. In his written submissions before the domestic courts the applicant argued *inter alia* that the third-party complaint which I.G. had relied on as a source of information could not be deemed relevant for the article because it had been lodged with the mayor's office almost six months after he had left his post as head of the department of transport and had concerned the vehicle owners' disgruntlement with the enforcement by the mayor's office of new legislation concerning the granting of transport licences. In addition, the article of 18 September 2008 had referred to his mother working as a taxi driver – an activity which he had never managed – and not as a maxi-taxi operator.

11. On 18 February 2009 the Galaţi District Court allowed the applicant's general tort-law action and ordered the journalist to pay the applicant the compensation for non-pecuniary damage that he had sought. It held that the journalist had published the article "Two Slyboots from the Mayor's Office Protect the Maxi-taxi Mafia in Galaţi", in which he portrayed the applicant as a "slyboots", an "old fox in a sneaky business", and one of the "fellows with maxi-taxi businesses" who was interested in "filling up his bank accounts". The journalist had expressly stated that the applicant "owns cars that run on the maxi-taxi routes", meaning that he was the proprietor of a business incompatible with his civil-servant status, a statement which would have exposed the applicant to very serious personal

and professional consequences if proved to be true. The applicant's public image had been tarnished by the journalist's defamatory statements, which had been unsupported by evidence and had not been subject to preliminary investigation. Consequently, the journalist bore responsibility for the damage caused to the applicant because he had acted negligently. Journalistic freedom of expression was not absolute and was restricted by the applicant's right to dignity, to protection of his public image and to private life. The journalist had failed to carry out a preliminary investigation of the information used in his article and had failed to support any of his statements with relevant evidence, while the applicant had proved that the statements concerned could not be confirmed. No registration number was recorded in the local mayor's office in connection with the third-party complaint relied on by the journalist, nor did the complaint refer to the applicant's name or actions. Even if the complaint had in fact contained such references, the applicant would still have enjoyed his right to be presumed innocent pending an official decision. The journalist's statements had not been substantiated by the copy of the article of 18 September 2008 either, because the applicant's mother had stopped working as a taxi driver in February 2007, before the article had been published. The journalist lodged an appeal on points of law (*recurs*) against the judgment.

12. On 21 January 2010 the Galați County Court, sitting as a final-instance court, allowed the journalist's appeal on points of law, quashed the judgment of 18 February 2009, and dismissed the applicant's action. It held that the article had concerned an issue of public interest – in particular the management by a civil servant of public funds pertaining to transport licences – and not just aspects of the applicant's private life. In the light of the applicant's civil-servant status, the limits of acceptable criticism of his activity had been wider and, given the public nature of the debate concerning the management of public funds, the degree of exaggeration and provocation had been tolerable. In addition, the journalist's comments had been made in the form of a value judgment which did not have to be proved to be exact. A defamed person's right to respect for his reputation, although legitimate, could very rarely be allowed to prevail over public interest, particularly in circumstances where such public interest was very important. Freedom of expression, in particular the right to impart and receive information, was a central element of democracy. Lastly, the press was democracy's watchdog and journalistic freedom and the public's right to access information were extremely broad, even though exercising one's freedom of expression also entailed duties and responsibilities.

B. Criminal proceedings instigated by the applicant against the journalist

13. On an unspecified date the applicant brought criminal proceedings against the journalist for slander, together with a civil-party application.

14. On 25 March 2009 the Galaţi Prosecutor's Office dismissed the applicant's criminal complaint against the journalist on the grounds that the Romanian Criminal Code provisions on slander had been repealed. The applicant did not appeal against the decision before the domestic courts.

II. RELEVANT DOMESTIC LAW

15. Articles 998 and 999 of the former Romanian Civil Code provided that any person who had suffered damage could seek redress by bringing a civil action against the person who had intentionally or negligently caused such damage.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

16. Relying expressly on Article 10 and in substance on Article 8 of the Convention, the applicant complained that his right to respect for his reputation and dignity, including his right to respect for private life, had been breached by the publication of the article on 11 April 2008.

17. The Court reiterates that since it is master of the characterisation to be given in law to the facts of the case, it does not consider itself bound by the characterisation given by the applicants (see *Guerra and Others v. Italy*, 19 February 1998, § 44, *Reports of Judgments and Decisions 1998-I*). Therefore, it considers that, given the nature of the applicant's complaint, it should be examined under Article 8 of the Convention, taking also into account the requirements set out by Article 10 of the Convention (see *Petrina v. Romania*, no. 78060/01, § 19, 14 October 2008). Article 8 of the Convention reads as follows:

> "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. Admissibility

18. The Court notes that the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

19. The applicant submitted that the journalist's freedom of expression was not absolute, despite the media's role as watchdog in a democratic society. He contended that the journalist had acted negligently in not verifying the information he had used – which had no relevance for the article – had acted in bad faith, and had made slanderous statements against him without any proof. Consequently, given the absence of any factual basis for the journalist's statements, the domestic courts had failed to fulfil their positive obligation to protect the applicant's private interest.

20. The applicant also contended that, although the article appeared to shed light on issues of public interest, it had in fact amounted to a personal attack on him, given that he had ceased to be the head of the department of transport in June 2007, and that it had misinformed the general public as regards his activities through its use of inappropriate language.

21. The applicant further asserted that the article had included specific factual accusations, and not just value judgments, directed against him; in particular that he had sabotaged the activities of the public transport company in order to make unlawful gains for private transport operators. He had been portrayed to the readers as a dishonest and corrupt person who owned cars used by private transport operators. Also, the accusation that he had protected the "maxi-taxi mafia" had undoubtedly constituted a statement of fact.

22. The applicant argued that the article had damaged his honour, his dignity and his public image, as well as his own feeling of self-respect, and had therefore caused him non-pecuniary damage. In addition, the echoes of the article had come to the attention of the current administration of the Galați mayor's office, which had decided to reorganise the staff and to dissolve the technical department run by the applicant with a view to making him redundant.

23. Lastly, the applicant contended that he had initiated verbal negotiations with the newspaper for the publication of a rebuttal, but his request had been turned down.

24. The Government acknowledged that the judgment of 21 January 2010 could be regarded as an interference with the applicant's right to respect for his private life. However, the State had set up an

adequate legal and procedural framework for the protection of the applicant's right to respect for his reputation and it remained to be determined whether the courts had struck a fair balance between the applicant's private interests and those of the general public.

25. They contended that the dismissal of the applicant's action by the final-instance court had pursued a legitimate aim since it had protected a general interest, namely the public's right to be informed about the management of public funds. In addition, the domestic courts had carried out a balancing exercise between the opposing interests and had reached the conclusion that protecting a journalist's freedom of expression was more important.

26. The Government argued that whereas the journalist had provided evidence in support of his article before the domestic courts, the applicant had failed to prove any direct link between the article and any damage he might have suffered as a result in respect of his reputation, his public image or his private, family and professional life. In addition, the article was concerned solely with the applicant's professional life and did not mention his private life. Moreover, the applicant had not asked the newspaper to publish his rebuttal of the article.

2. The Court's assessment

(a) General principles

27. The Court reiterates that, although the object of Article 8 is to protect the individual against arbitrary interference by the public authorities, it does not merely compel the State to abstain from such interference. In addition to this primarily negative undertaking, there may be positive obligations inherent in effective respect for private and family life. These obligations may involve the adoption of measures designed to secure respect for private and family life even in the sphere of the relations of individuals between themselves (see *Odièvre v. France* [GC], no. 42326/98, § 40, ECHR 2003-III, and *Dickson v. the United Kingdom* [GC], no. 44362/04, § 70, ECHR 2007-V). The applicable principles are similar in both types of cases: regard must be had to the fair balance to be struck between the competing interests, namely the applicant's right to protection of his reputation and the right of the journalist to freedom of expression.

28. The Court also reiterates that freedom of expression constitutes one of the essential foundations of a democratic society and that the safeguards afforded to the press are of particular importance. Although it must not overstep certain boundaries, in particular with regard to the reputation and rights of others, its duty is nevertheless to impart – in a manner consistent with its obligations and responsibilities – information and ideas on all matters of public interest. Not only does the press have the task of imparting information and ideas, the public also has a right to receive them. Were it

otherwise, the press would be unable to play its vital role of "public watchdog" (see, *inter alia*, *Observer and Guardian v. the United Kingdom*, 26 November 1991, § 59, Series A no. 216; *Bladet Tromsø and Stensaas v. Norway* [GC], no. 21980/93, § 59, ECHR 1999-II; and *Flux v. Moldova (no. 6)*, no. 22824/04, § 24, 29 July 2008). Accordingly, journalistic freedom covers possible recourse to a degree of exaggeration, or even provocation (see *Von Hannover v. Germany*, no. 59320/00, § 58, ECHR 2004-VI). In this respect, it is clear from the Court's case-law that the right to freedom of expression is applicable not only to information or ideas that are favourably received or regarded as inoffensive or a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society" (see, *inter alia*, *Handyside v. the United Kingdom*, 7 December 1976, § 49, Series A no. 24, and *Nilsen and Johnsen v. Norway* [GC], no. 23118/93, § 43, ECHR 1999-VIII). This freedom is subject to the exceptions set out in Article 10 § 2, which must, however, be construed strictly. The need for any restrictions must be established convincingly (see, for example, *Lingens v. Austria*, 8 July 1986, § 41, Series A no. 103, and *Tammer v. Estonia*, no. 41205/98, § 59, ECHR 2001-I).

29. The Court reiterates that the choice of the means calculated to secure compliance with Article 8 in the sphere of individuals' relations between themselves is, in principle, a matter that falls within the Contracting States' margin of appreciation. In this connection, there are different ways of ensuring "respect for private life", and the nature of the State's obligation will depend on the particular aspect of private life that is at issue (see *Odièvre*, cited above, § 46). Furthermore, the Court's task in exercising its supervision is not to take the place of the national authorities but rather to review, in the light of the case as a whole, the decisions that they have taken pursuant to their margin of appreciation (see, *mutatis mutandis*, *Tammer*, cited above, § 63).

30. In the cases in which the Court has had to balance the protection of private life against freedom of expression, it has always stressed the contribution made by articles in the press to debates of general interest (see, for example, *Tammer*, cited above, §§ 66 and 68; *Von Hannover*, cited above, § 60; and *Standard Verlags GmbH v. Austria (no. 2)*, no. 21277/05 § 46, 4 June 2009). In cases concerning debates or questions of general public interest, the limits of acceptable criticism are wider in respect of politicians or other public figures than in respect of private individuals. Where the balancing exercise has been undertaken by the national authorities in conformity with the criteria laid down in the Court's case law, the Court would require strong reasons to substitute its view for that of the domestic courts (see *Palomo Sánchez and Others v. Spain* [GC], nos. 28955/06, 28957/06, 28959/06, 28964/06, § 57, 12 September 2011,

and *Von Hannover v. Germany (no. 2)* [GC], nos. 40660/08 and 60641/08, § 107, ECHR 2012).

31. Lastly, the Court has distinguished between statements of fact and value judgments. While the existence of facts can be demonstrated, the truth of value judgments is not susceptible of proof. The requirement to prove the truth of a value judgment is impossible to fulfill and infringes freedom of opinion itself, which is a fundamental part of the right secured by Article 10. The classification of a statement as a fact or as a value judgment is a matter which falls, first and foremost, within the margin of appreciation of the national authorities, in particular the domestic courts. However, even where a statement amounts to a value judgment, there must be a sufficient factual basis to support it, failing which it will be excessive (see, for example, *Pedersen and Baadsgaard v. Denmark* [GC], no. 49017/99, § 76, ECHR 2004-XI, and *Timpul Info-Magazin and Anghel v. Moldova*, no. 42864/05, § 37, 27 November 2007).

(b) Application of the general principles to the present case

32. The Court notes at the outset that in the instant case the Government acknowledged that the judgment of 21 January 2010 could be regarded as an interference with the applicant's right to respect for his private life. In addition, it notes that the domestic courts dealing with the case examined the circumstances in which the journalist's statements were made and whether they could be justified. Consequently, it must examine whether the courts applied standards which were in conformity with the principles embodied in Articles 8 and 10 of the Convention and whether they struck a fair balance between the applicant's rights under Article 8 and I.G.'s right to freedom of expression guaranteed by Article 10 (see *Gurgenidze v. Georgia*, no. 71678/01, § 39, 17 October 2006).

33. The Court notes that according to the first-instance court's judgment of 18 February 2009, the references in the article could only be interpreted as meaning that the applicant owned his own private business, which is a situation incompatible with his civil-servant status. The court further noted that – if proved to be true – the statements would have exposed the applicant to very serious professional and personal consequences. It concluded that there was no proof to support the allegations and that, as a consequence, the article was defamatory and the journalist had to pay the applicant compensation for non-pecuniary damage. Although the case was subsequently also examined by the final-instance court, the judgment delivered by that court contained no finding as to whether the article should be read as implying something different. The Court considers that national courts are, in principle, better placed than an international court to assess the intention behind the impugned phrases in the article and, in particular, to judge how the general public would interpret, and react to, such phrases. However, it considers that the final-instance court's judgment failed to

address this issue. Having regard to the terms of the article and to the findings of the domestic court which examined the matter, the Court is persuaded that the author of the article intended to imply that the applicant had been involved in activities incompatible with his position as a civil servant. The question, therefore, is whether these allegations fell within the realm of acceptable criticism or fair comment.

34. In examining whether the comments made in the article were acceptable, the Court – like the Government – notes that the article discussed problems in the functioning and management of local public transport services and implicitly in the management of public funds. It therefore takes the view that, notwithstanding the applicant's arguments, the impugned article discussed issues which were likely to have been of significant interest to the general public.

35. The Court also notes that none of the parties disputed that the applicant – in his capacity as a high-ranking local civil servant –was a public figure. It is therefore of the opinion that the limits of "acceptable criticism" of his activities were wider (see *Timciuc v. Romania*, (dec.), no. 28999/03, § 150, 12 October 2010).

36. Turning to the reasons given by the domestic courts for dismissing the applicant's action and claims against I.G., the Court observes that the final-instance court classified the relevant statements as value judgments and concluded that the applicant's action for defamation should be dismissed.

37. Unlike the final-instance court, the Court is not persuaded that the statements in question can be regarded as mere value judgments. As the Court has already found, the article intended to imply that the applicant owned his own private business, which was a situation incompatible with his civil-servant status. In the Court's view, the issue of whether or not an individual was the owner of a private business, and whether this was incompatible with the career he had chosen, is not merely a matter for speculation but is a fact capable of being substantiated by relevant evidence (see, *mutatis mutandis*, *Pfeifer*, cited above, § 47). The final-instance court provided no convincing reasons as to its conclusion on the nature of the statements at issue (contrast *Timciuc*, cited above, § 149). In these circumstances, notwithstanding the margin of appreciation afforded to domestic courts as regards the classification of a statement as a fact or as a value judgment, the Court concludes that the allegations of the applicant's involvement in activities incompatible with his status constituted clear statements of fact (compare and contrast *Scharsach and News Verlagsgesellschaft v. Austria*, no. 39394/98, § 41, ECHR 2003-XI).

38. The Court considers that the accusations concerning the applicant's alleged corrupt and unlawful actions were of a serious nature, capable of affecting him in the performance of his duties and damaging his reputation. It reiterates that a person's status as a politician or other public figure does

not eliminate the need for a sufficient factual basis for statements which are damaging to his reputation, even where such statements are considered to be value judgments and not statements of fact.

39. In this context the Court observes that in its judgment of 18 February 2009 the Galaţi District Court emphasised that there was no proof that the applicant had been involved in any private or unlawful business incompatible with his professional activity. The subsequent judgment of the domestic courts did not find otherwise.

40. The Court notes that there is no indication in the material submitted by the parties that the applicant was involved in or committed any of the acts alleged by the journalist.

41. In the course of the proceedings before the Galaţi District Court, the defendants did not produce any material judged sufficient by that court to support the allegation, nor did any witnesses testify that the applicant was involved in such activities. Moreover, as the first-instance court noted, at the time the article was published, the journalist was aware that the third-party complaint on which he had relied as a source had not referred to the applicant's name or actions and no official proceedings had been instigated against him. In addition, the applicant's mother had stopped working as a taxi driver in February 2007.

42. The Court therefore takes the view that, by implying that the applicant had been involved in activities and businesses incompatible with his profession as though it were an established fact when it was mere speculation on the part of the author, the article overstepped the limit of acceptable comments.

43. Finally, the Court observes that there is no evidence in the file that the journalist offered the applicant the opportunity to respond to the accusations against him or that the newspapers published a rebuttal.

44. In the light of the above and taking into account the nature of the allegations in the present case, the Court finds that the reasons advanced by the final-instance court to protect I.G.'s right to freedom of expression were insufficient to outweigh the applicant's right to respect for his reputation.

There has accordingly been a violation of Article 8 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

45. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

46. The applicant claimed EUR 10,000 in respect of non-pecuniary damage.

47. The Government submitted that the amount was excessive and unjustified and that the finding of a violation would constitute sufficient just satisfaction for the applicant.

48. The Court takes the view that, as a result of the violation found, the applicant must have suffered non-pecuniary damage which cannot be made good by the mere finding of a violation.

49. Consequently, ruling on an equitable basis, the Court awards the applicant EUR 4,500 in respect of non-pecuniary damage.

B. Costs and expenses

50. The applicant also claimed RON 3,900 (approximately EUR 880) for the costs and expenses incurred before the Court. He submitted two invoices of RON 3,000 (approximately EUR 680) and of RON 250 (approximately EUR 60) for lawyer's and translation fees, respectively.

51. The Government contended that the applicant had failed to substantiate part of his claims and had submitted insufficient proof for the rest. In particular, he had not submitted a detailed schedule attesting the number of hours worked by his lawyer. The applicant could, moreover, have applied to the Court for leave to use the Romanian language for his written submissions.

52. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 740 for costs and expenses.

C. Default interest

53. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 8 of the Convention;

3. *Holds*

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the national currency of the respondent State at the rate applicable at the date of settlement:

(i) EUR 4,500 (four thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

(ii) EUR 740 (seven hundred and forty euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 18 February 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Santiago Quesada
Registrar

Josep Casadevall
President