

Dnei avocat Angelica ENACHE
Bd. Schitu Măgureanu nr. 23 ap. 2
BUCUREȘTI Sector 1
ROMANIA

THIRD SECTION

ECHR-LE10.1aR
BB/rch

30 January 2014

Application no. 78356/11
Matei v. Romania

Dear Madam,

I write to inform you that the European Court of Human Rights decided on 7 January 2014, after having deliberated, to strike the above application out of its list of cases after a friendly settlement was reached. A copy of the decision is enclosed. The decision is also now available on the Court's Internet site (hudoc.echr.coe.int/sites/eng).

I would draw your attention to the fact that execution of decisions of this type is within the competency of the Committee of Ministers (Article 39 § 4 of the Convention). Any question in this respect should be addressed to the Department for the Execution of Judgments of the Court at the DGI (Directorate General of Human Rights and Rule of Law) of the Council of Europe:

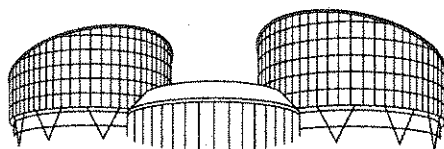
- Fax number: 33 (0) 3 88 41 27 93.
- Website: www.coe.int/t/dghl/monitoring/execution
- Email just satisfaction: dgl_execution_just_satisfaction@coe.int
- Address: Council of Europe, Department for the Execution of ECHR judgments, F-67075 Strasbourg Cedex.

To enable the sum mentioned in the facts and procedure part of the decision to be paid to the applicant, you are requested to forward the applicant's bank account details directly to the Government Agent (Mrs Catrinel BRUMAR, Agent of the Romanian Government before the European Court of Human Rights, Ministry of Foreign Affairs, Aleea Alexandru nr. 31, 011 822 BUCUREȘTI Sector 1, ROMANIA).

Yours faithfully,

Santiago Quesada
Section Registrar

Enc.: Decision



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

THIRD SECTION

DECISION

Application no. 78356/11
Florin Constantin MATEI
against Romania

The European Court of Human Rights (Third Section), sitting on 7 January 2014 as a Chamber composed of:

Josep Casadevall, *President*,

Alvina Gyulumyan,

Ján Šikuta,

Luis López Guerra,

Nona Tsotsoria,

Kristina Pardalos,

Iulia Antoanella Motoc, *judges*,

and Santiago Quesada, *Section Registrar*,

Having regard to the above application lodged on 3 November 2011,

Having regard to the decision of 20 November 2012,

Having regard to the declaration submitted by the respondent Government on 3 October 2013 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Florin Constantin Matei, is a Romanian national, who was born in 1985 and lives in Suceava. He was represented before the Court by Ms A. Enache, a lawyer practising in Bucharest.

The Romanian Government ("the Government") were represented by their Agent, Ms C. Brumar, of the Ministry of Foreign Affairs.

The applicant complained under Article 3 of the Convention about the conditions of his detention in Bucharest police detention facilities.

The application was communicated to the Government.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

After unsuccessful friendly-settlement negotiations, by letter dated 23 September 2013 the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application.

They acknowledged a violation of the applicant's rights guaranteed by Article 3 of the Convention. They undertook to pay the applicant 2,700 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into the respondent State's national currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. They further requested the Court to strike out the application.

On 22 November 2013 the Court received a letter from the applicant informing the Court that he had agreed to the terms of the Government's declaration.

THE LAW


The Court finds that following the applicant's express agreement to the terms of the declaration made by the Government the case should be treated as a friendly settlement between the parties.

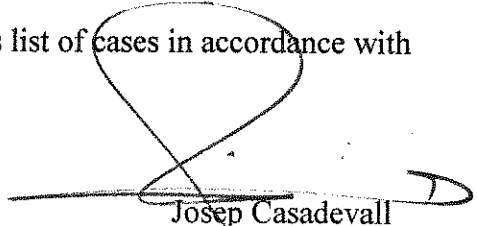
It therefore takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application.

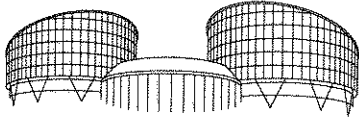
In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.


Santiago Quesada
Registrar


Josep Casadevall
President



Dnei avocat Angelica ENACHE
Bd. Schitu Măgureanu nr. 23 ap.2
BUCUREȘTI Sector 1
ROMANIA

THIRD SECTION

ECHR-LE10.1aR
BB/rch

Application no. 56525/11
Căpășină v. Romania

09 AVR. 2013

Dear Madam,

I write to inform you that the European Court of Human Rights decided on 26 March 2013, after having deliberated, to strike the above application out of its list of cases after a friendly settlement was reached. A copy of the decision is enclosed.

I would draw your attention to the fact that execution of decisions of this type is within the competency of the Committee of Ministers (Article 39 § 4 of the Convention). Any question in this respect should be addressed to the Department for the Execution of Judgments of the Court at the DGI (Directorate General of Human Rights and Rule of Law) of the Council of Europe:

- Fax number: 33 (0) 3 88 41 27 93.
- Website: www.coe.int/t/dghl/monitoring/execution
- Email just satisfaction: dgl_execution_just_satisfaction@coe.int
- Address: Council of Europe, Department for the Execution of ECHR judgments, F-67075 Strasbourg Cedex.

To enable the sum mentioned in the facts and procedure part of the decision to be paid to the applicant, you are requested to forward her bank account details directly to the Government Agent (Mrs Catrinel BRUMAR, Agent of the Romania Government before the European Court of Human Rights, Aleea Alexandru nr. 31, 011 822 BUCUREȘTI Sector 1, ROMANIA).

Yours faithfully,

Marialena Tsirli
Deputy Section Registrar

Enc.: Decision

pay her 3,000 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into the respondent State's national currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable to the applicant. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.


Marialena Tsirli
Deputy Registrar


Alvina Gyulumyan
President