



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

FORMER THIRD SECTION

**CASE OF CIPLEU v. ROMANIA**

*(Application no. 36470/08)*

JUDGMENT  
*(Revision)*

STRASBOURG

15 December 2015

**FINAL**

**15/03/2016**

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

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**In the case of Cipleu v. Romania (request for revision of the judgment of 14 January 2014),**

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

Luis López Guerra, *President*,

Nona Tsotsoria,

Kristina Pardalos,

Helena Jäderblom,

Johannes Silvis,

Valeriu Grițco,

Iulia Antoanella Motoc, *judges*,

and Stephen Phillips, *Section Registrar*,

Having deliberated in private on 24 November 2015,

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

## PROCEDURE

1. The case originated in an application (no. 36470/08) 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 Dănuț Cipleu (“the applicant”), on 18 July 2008.

2. In a judgment delivered on 14 January 2014, the Court held that there had been a violation of Article 6 § 1 of the Convention in so far as the applicant had been convicted without being granted the opportunity to give evidence. The Court also decided to award the applicant 3,000 euros (EUR) for non-pecuniary damage and dismissed the remainder of the claims for just satisfaction.

3. On 24 June 2014 the Government informed the Court that they had learned, on 14 May 2014, that the applicant had died on 17 October 2012. They accordingly requested revision of the judgment within the meaning of Rule 80 of the Rules of Court.

4. On 16 September 2014 the Court considered the request for revision and decided to give the applicant’s representative six weeks in which to submit any observations. The applicant’s representative did not submit any observations.

## THE LAW

### THE REQUEST FOR REVISION

5. The Government requested revision of the judgment of 14 January 2014, which they had been unable to execute because the applicant had died before the judgment had been adopted.

6. The applicant's representative did not submit observations on the Government's request for revision (see paragraph 4 *in fine* above).

7. The Court considers that the judgment of 14 January 2014 should be revised pursuant to Rule 80 of the Rules of Court, the relevant parts of which provide:

"A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court ... to revise that judgment.

..."

8. The Court notes that the applicant died before the judgment of 14 January 2014 was adopted but that his representative did not inform the Court of the death. No information was provided concerning any heirs who might wish to pursue the application.

9. The Court considers that the applicant's death constitutes "the discovery of a fact...which when [the] judgment was delivered, was unknown to the Court." It also constitutes a fact of "decisive influence" on the outcome of the judgment within the meaning of Rule 80 § 1. The Court is prepared to accept that this decisive fact "could not reasonably have been expected to be known to" the Government, who gained knowledge of the applicant's death on 14 May 2014 (see *Manushaqe Puto and Others v. Albania* (revision), nos. 604/07, 43628/07, 46684/07 and 34770/09, §§ 9-10, 4 November 2014). They filed a request for revision of the judgment on 24 June 2014, that is, within the time-limit provided for in Rule 80.

10. Article 37 § 1 of the Convention, in its relevant part, reads:

"1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that ...

(c) ... it is no longer justified to continue the examination of the application."

11. The Court recalls that it has been its practice to strike applications out of the list of cases in the absence of any heir or close relative who has expressed a wish to pursue the application (see *Eremiášová and Pechová v. the Czech Republic* (revision), no. 23944/04, § 10, 20 June 2013). It further finds no special circumstances relating to respect for human rights as

defined in the Convention and its Protocols which require it to continue the examination of the application.

12. Accordingly, the application should be struck out of the Court's list of cases (see *Bolovan v. Romania* (revision), no. 64541/01, § 13, 20 September 2011).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

*Decides* to revise the judgment as a whole and to strike the case out of the list.

Done in English, and notified in writing on 15 December 2015, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stephen Phillips  
Registrar

Luiz López Guerra  
President

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