



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

THIRD SECTION

CASE OF REDNIC AND OTHERS v. ROMANIA

(Application no. 123/08)

JUDGMENT
(Just satisfaction)

STRASBOURG

18 March 2014

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Rednic and Others v. Romania,

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

Josep Casadevall, *President*,

Alvina Gyulumyan,

Ján Šikuta,

Dragoljub Popović,

Luis López Guerra,

Kristina Pardalos,

Iulia Antoanella Motoc, *judges*,

and Santiago Quesada, *Section Registrar*,

Having deliberated in private on 18 February 2014,

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

PROCEDURE

1. The case originated in an application (no. 123/08) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by five Romanian nationals, Ms Silvia Rednic, Ms Eleonora Roșca, Ms Eugenia Bușilă, Ms Cornelia Săcăreanu and Mr Nicolaie Roșca (“the applicants”), on 5 August 2005.

2. In a judgment delivered on 11 January 2011 (“the principal judgment”), the Court held that there has been a violation of Article 6 § 1 of the Convention and of Article 1 of Protocol No. 1 to the Convention as a result of the non-enforcement of a final judgment in the applicants’ favour (see *Rednic and others v. Romania*, no. 123/08, 11 January 2011).

3. Under Article 41 of the Convention the applicants sought just satisfaction of pecuniary and non-pecuniary damage sustained as a result of the above violations and reimbursement of costs and expenses.

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicant to submit, within three months, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (*ibid.*, paragraph 21 and point 3 of the operative provisions).

5. The applicants and the Government each filed observations.

6. On 23 July 2013, the Court invited the parties to submit updated observations.

THE LAW

7. 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

8. In their updated claims, the applicants informed the Court that they have recovered the possession of the real estate. However, they have not received the title of property over the 8,28 ha of land.

They further claimed EUR 200,000 in respect of pecuniary and non-pecuniary damage.

9. The Government contended that the applicants recovered the possession of the real estate. They further added that the issuing of their title of property was ongoing. The delay was due to the complex number of authorities involved. However, they stressed that the issuing of the title of property was a mere formality and that the applicants could fully enjoy their property.

They also considered that the claim in respect of non-pecuniary damage was highly excessive.

10. The Court reiterates that, where it has found a breach of the Convention in a judgment, the respondent State is under a legal obligation to put an end to that breach and make reparation for its consequences in such a way as to restore as far as possible the situation existing before the breach (see *Iatridis v. Greece* (just satisfaction) [GC], no. 31107/96, § 32, ECHR 2000-XI).

11. Concerning the pecuniary damage claim, the Court notes that the applicants fully recovered the possession of the real estate. In addition, the Court observes that the Government had taken the necessary steps in order to provide the applicants with a title of property. Therefore, there is no call to make an award under this head.

12. However, the Court considers that the interference with the applicants' right of access to a court and with the peaceful enjoyment of their possession caused moral prejudice to the applicants. Making an assessment on an equitable basis, as required by Article 41 of the Convention, the Court awards the applicants jointly EUR 4,700 in respect of non-pecuniary damage.

B. Costs and expenses

13. The applicants did not claim the equivalent of the costs and expenses incurred before the domestic courts or before this Court.

C. Default interest

14. 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. *Holds*

(a) that the respondent State is to pay to the applicants jointly, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 4,700 (four thousand and seven hundred euros), in respect of non-pecuniary damage, to be converted into the national currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable;

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

2. *Dismisses* the remainder of the applicants' claim for just satisfaction.

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

Santiago Quesada
Registrar

Josep Casadevall
President