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Meeting: 1318<sup>th</sup> meeting (June 2018) (DH)

Item reference: Action report (06/04/2018)

Communication from Romania concerning the case of SAVATIN v. Romania (Application No. 49588/13)

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Réunion : 1318<sup>e</sup> réunion (juin 2018) (DH)

Référence du point : Bilan d'action

Communication de la Roumanie concernant l'affaire SAVATIN c. Roumanie (requête n° 49588/13)  
**(anglais uniquement)**

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DGI

06 AVR. 2018

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

## **Action Report**

**Savatın v. Romania**

**(Application no. 49588/13, judgment of 13 December 2016,  
final on 13 December 2016)**

### **I. Summary of the case**

The case concerns the applicant's ill-treatment by police officers and ineffectiveness of the investigations into the allegations of ill-treatment during his arrest. The authorities did not record information regarding the seriousness and the extent of the applicant's injuries upon arrival at the police station, without indicating any impediment to the recording of such information, shortcoming which led to the infringement of Article 3 of the Convention in its substantial limb.

Concerning the ineffectiveness of the investigations into the allegations of ill-treatment, the Court observed that the authorities chose to base their decision mostly on the statements of the police officers in question; the Prosecutor's office did not undertake any serious steps to identify and hear other eyewitnesses than those proposed by the applicant; the Bucharest Tribunal did not hear the police officers or the two proposed witnesses, whose statements it set aside after having considered that they were not reliable; no medical expertise was ordered during the proceedings, measure which could have clarified the possible causes of the applicant's injuries; at no time were criminal proceedings opened, and the decision to not initiate criminal proceedings was based on simple statements that did not qualify as evidence pursuant to Romanian legislation; the Bucharest Tribunal ruled in favour of the police officers, noting that it could no longer rectify any errors made early in the investigation because of the time elapsed since the allegations. These shortcomings lead the Court to find the infringement of Article 3 of the Convention in its procedural limb.

### **II. Individual measures**

#### **A. Payment of the just satisfaction afforded by the Court**

The domestic authorities have paid the amount afforded through the Court's judgment in due course and the proof of payment has been already submitted.

#### **B. Reopening of the impugned proceedings**

On 20 November 2017, the Prosecutor's Office attached to the High Court of Cassation and Justice informed the Government that, through ordinance no. 2601/C/20.11.2017, the Prosecutor General, in view of the Court's conclusions, found that the decision to not initiate criminal proceedings was unlawful, as it was based on an incomplete criminal investigation and a legal misclassification. The decision was thus overturned and the Prosecutor General ordered the reopening of the criminal investigation. The case file was sent back to the Bucharest District II Court in view of confirming the decision to reopen the criminal investigation.

Through an interlocutory judgement of 05 January 2018, the Bucharest District II Court confirmed the decision to reopen the criminal investigation, noting the need for the administration of new evidence.

Given the information mentioned above, the Government considers that no other individual measures are necessary or required in the present case.

## **II. General measures**

The judgement has already been translated into Romanian and is available on the Court's HUDOC website.

As regards other general measures, the Government would like to recall that the issues under Article 3 of the Convention have been already assessed by the Committee of Ministers in the *Barbu Anghelescu* group of cases, where a Final resolution was issued on 8 June 2016 (CM/ResDH(2016)150).

It follows that no further specific measures are required in this respect, in relation to the cases at hand.

## **III. Conclusions**

Having regard to the aspects above, the Government consider that no other specific individual or general measures are to be taken in the present case and kindly invite the Committee of Ministers to close the examination thereof.