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Meeting: 1318th meeting (June 2018) (DH)

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

Communication from Romania concerning the case of Osman v. Romania (Application No. 59362/14)

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Réunion : 1318^e réunion (juin 2018) (DH)

Référence du point : Bilan d'action

Communication de la Roumanie concernant l'affaire Osman c. Roumanie (requête n° 59362/14)
(anglais uniquement)

DGI

06 AVR. 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Action Report

Osman v. Romania (application no. 59362/14)

Judgement from 11 April 2017

I. Summary of the case

The case concerns the investigation of the aggression suffered by the applicant at the headquarters of a police station while he was suspected of the theft offence. Notwithstanding that the national authorities have argued the applicant was most likely beaten after leaving the police station by civilians who were not related to the case, the Court held that the hypothesis is not viable and has not been sufficiently investigated, given the fact that the alleged authors have never been identified. Moreover, the Court held the impossibility of the authorities to provide a compelling explanation for the injuries suffered by the applicant after he left the police custody (violation of Article 3 procedural limb).

Regarding the effectiveness of the investigation the Court noted that the authorities had a superficial approach, a conclusion drawn on the following grounds: authorities have not taken steps to identify potential witnesses who were in the police station, the video files recorded by the camera in the police station were not preserved and the solution to the criminal case regarding the aggression suffered by the applicant was based in particular on the statements of the police officers in question (violation of Article 3 under procedural limb).

II. Individual measures

A. Payment of the just satisfaction afforded by the Court

The Court awarded the applicant the following sums:

- 11.700 euros in respect of non-pecuniary damage
- 3.736 euros in respect of costs and expenses

The domestic authorities have paid the amounts afforded through the Court's judgment in due course and the relevant information on payment has already been submitted.

B. Reopening of the impugned proceedings

On 4 December 2017, the Prosecutor's Office attached to Galati Court of Appeal decided the reopening of the criminal investigation of the aspects denounced by Mr. Osman.

On 20 February 2018 the Brăila County Court confirmed the reopening of the criminal prosecution file concerning the police officers that conducted the investigation against the applicant.

The file was sent back to the prosecution bodies for further investigations concerning the offence of unlawful arrest and abusive criminal prosecution provided by article 266 paragraph 2 from the Romanian Criminal Code.¹

¹ http://portal.just.ro/113/SitePages/Dosar.aspx?id_dosar=1130000000064351&id_inst=113

III. General measures

The Government would like to recall that the issues under Article 3 of the Convention have been already evaluated in the *Barbu Anghelescu v. Romania* leading case (application no. 46430/99) where a Final resolution was issued on 8 June 2016 (CM/ResDH(2016)150) and in the *Milena Felicia Dumitrescu* case, closed by final resolution CM/ResDH(2016)131.

IV. 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.