



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

FOURTH SECTION

CASE OF ECATERINA MIREA AND OTHERS v. ROMANIA

(Applications nos. 43626/13 and 69 other applications)

JUDGMENT

STRASBOURG

12 April 2016

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

LumeaJustitiei.ro

In the case of Ecaterina Mirea and others v. Romania,

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

András Sajó, *President*,
Vincent A. De Gaetano,
Boštjan M. Zupančič,
Paulo Pinto de Albuquerque,
Krzysztof Wojtyczek,
Egidijus Kūris,

Gabriele Kucsko-Stadlmayer, *judges*,
and Françoise Elens-Passos, *Section Registrar*,

Having deliberated in private on 8 March 2016,

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

PROCEDURE

1. The applicants are all Romanian nationals. The applicants' personal details and the dates of their respective applications are set out in the appended table.

2. The applicants were all represented before the Court by Mr Ionuț Matei, a lawyer practising in Bucharest. The Romanian Government ("the Government") were represented by their Agent, Ms C. Brumar, from the Ministry of Foreign Affairs.

3. On 14 February 2014 the applicants' complaints concerning the effectiveness of the criminal investigation, the length of criminal proceedings and the lack of an effective domestic remedy were communicated to the Government. The remaining complaints were declared inadmissible by the President of the Section, sitting in a single-judge formation. In so far as Ms Iulia Antoanella Motoc, the judge elected in respect of Romania, withdrew from sitting in the case (Rule 28 § 3 of the Rules of the Court), the President decided to appoint Mr Krzysztof Wojtyczek to sit as an *ad hoc* judge (Rule 29).

4. The parties submitted written observations.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The facts of the case, as submitted by the applicants, are similar to those in *Association "21 December 1989" and Others v. Romania*

(nos. 33810/07 and 18817/08, §§ 12-41, 24 May 2011). They have the same historical context and relate to the same domestic criminal proceedings.

6. Between 17 and 28 December 1989, many people, including the applicants and the close relatives involved in this case, took part in anti-communist demonstrations in Bucharest, Timișoara, Slobozia, Vișina and Țândărei, which led to the fall of the communist regime. They were injured or killed by gunfire during the demonstrations, which took place on 17 December 1989 in Timișoara, and in Bucharest and other cities across the country from 21 to 28 December 1989.

7. In 1990, following the overthrow of the communist regime, the military prosecutor's office opened a criminal investigation into the December 1989 armed crackdown on the anti-communist demonstrations in Bucharest and the other cities.

8. In a number of cases concerning the events in Timișoara, the investigations culminated in referral to the courts and the conviction of senior military officers (see *Șandru and Others v. Romania*, no. 22465/03, §§ 6-47, 8 December 2009).

9. As regards the events in other cities, the criminal investigation is still pending before the prosecuting authorities. The most important procedural steps were summarised in *Association "21 December 1989" and Others* (cited above, §§ 12-41). Subsequent developments in the investigation are as follows.

10. On 18 October 2010, the military prosecutor's office at the High Court of Cassation and Justice decided not to institute criminal proceedings with regard to the acts committed by the military, finding that the applicants' complaints were partly statute-barred and partly ill-founded. The investigation into crimes committed by civilians, members of Patriotic Guards, members of militia and prison staff was severed from the case file and jurisdiction was relinquished in favour of the prosecuting authorities at the High Court of Cassation and Justice.

11. On 15 April 2011 the chief prosecutor at the military prosecutor's office set aside the decision of 18 October 2010 on the grounds that the investigation had not yet been finalised and that not all the victims and perpetrators had been identified.

12. On 18 April 2011 the military prosecutor's office relinquished jurisdiction in favour of the prosecutor's office at the High Court of Cassation and Justice on the grounds that the investigation concerned both civilians and military personnel.

13. On 9 March 2012 - following the opening of the classified information in the criminal investigation file to the public in 2010 - the case was re-registered with a view to an investigation in the light of the newly available data.

14. Following the entry into force of the new Code of Criminal Procedure in February 2014, jurisdiction over the case was relinquished in favour of the military prosecutor's office.

15. On 14 October 2015, the prosecutor's office closed the investigation, finding that the applicants' complaints were partly statute-barred, partly subject to an amnesty and partly ill-founded. It also found that some of the facts which had been investigated could not be classified as criminal offences; and that some of the facts were *res judicata*. The parties have not submitted any information on whether there was an appeal against that decision.

II. RELEVANT DOMESTIC LAW

16. The legal provisions and relevant domestic practice in relation to the criminal proceedings in connection with the events of December 1989 and respectively to the statutory limitation of criminal liability are detailed in *Acatrinei and Others v. Romania*, (no. 10425/09 and 71 other cases, §§ 16-17, 26 March 2013); *Association "21 December 1989" and Others* (cited above, §§ 101-107); *Alecu and Others v. Romania*, (no. 56838/08 and 80 other cases, §§ 15-17, 27 January 2015); and *Mocanu and Others v. Romania* [GC], nos. 10865/09, 45886/07 and 32431/08, §§ 193-196, ECHR 2014 (extracts).

17. The statutory provisions regarding military prosecutors in Law no. 54/1993 on the organisation of military courts and prosecutor's offices have been abolished by Law no. 247/2005 on reforms in the field of property, justice and other ancillary measures, which came into force on 25 July 2005.

18. Currently, the statute of the military prosecutors is regulated by Law no. 303/2004, on the Statute of judges and prosecutors, and by Law no. 304/2004, on the organization of the judicial system, both amended by Law no. 255/2013, on enactment of the Code of Criminal Procedure, which also amended regulatory acts relating to provisions for criminal offences.

19. Conversely to Law no. 54/1993, pursuant to the current Statute of the judges and prosecutors, the appointment system in a function of military prosecutor provides that a person must meet the conditions set by law to enter the judiciary, on the confirmation of the Ministry of National Defence in respect of compliance with the legal prerequisites for undertaking duties of an active duty officer. The appointment as a military prosecutor, the transfer from a civil prosecutor's office to the military prosecutor's office and the conferment of military ranks are governed by joined Rules of the High Council of the Judiciary and the Ministry of National Defence, in force as of 6 February 2014 (Article 32). The career of the military prosecutors is regulated by the statute of the judges and prosecutors (Article 105). The military prosecutors are active duty officers and they enjoy the

corresponding benefits (Article 74), they are disciplinarily liable based on the statutory provisions concerning judges and prosecutors, the military discipline not being applicable to them (Article 98).

20. Pursuant to Law no. 304/2004, the Ministry of National Defence is the manager of the budget of the military prosecutor's office. The annual budget project is designed, after consulting the military prosecutor's office, by the relevant section from the Prosecutor General Office of the High Court of Cassation and Justice and is transmitted to the manager of the budget; annually, the Government includes the necessary financial funds in the budget of the Ministry of National Defence (Articles 131 and 132).

THE LAW

I. THE JOINDER OF THE CASES

21. The Court notes that the applications concern the same factual circumstances and raise similar legal issues. Consequently, it considers it appropriate to join all the applications, in accordance with Rule 42 § 1 of the Rules of Court.

II. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION UNDER THE PROCEDURAL HEAD

22. The applicants complained of the lack of an effective, impartial and thorough investigation, capable of leading to the identification and punishment of those responsible for the violent crackdown on the demonstrations of December 1989 in Bucharest, Timișoara, Slobozia, Vișina and Țândărei, when they had been injured and their close relatives had been killed by gunfire. They relied on Article 2 of the Convention.

23. Having regard to the facts, and as in *Șandru and Others* (cited above, §§ 51-54), the Court considers that the present case must be examined under the procedural head of Article 2 of the Convention. These provisions read as follows:

Article 2

“1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally ...”

A. Admissibility

24. The Government raised the objection that some of the applicants lacked victim status, given the fact that they had never been parties to the criminal action. In that connection, the Government referred to the fact that the applicants had failed to first address the domestic authorities in respect of acts committed against them or their close relatives during the events of December 1989 and which were contrary to their rights protected by the Convention. They considered that participation in the criminal investigation was a prerequisite to bringing claims in respect of the progress of the criminal proceedings.

25. The applicants argued that they had victim status with regard to the absence of an effective investigation into the violence to which they or their close relatives had been subjected.

26. The Court has summarised the principles governing the assessment of an applicant's victim status in paragraphs 178-192 of its judgment in the case of *Scordino v. Italy (no. 1)* ([GC], no. 36813/97, ECHR 2006-V) and, with respect to claims under Article 2 of the Convention, in its judgment in the case of *Nikolova and Velichkova v. Bulgaria* (no. 7888/03, §§ 51-64, 20 December 2007).

27. The Court reiterates that in cases where Article 2 of the Convention has been invoked in relation to the death or disappearance of close relatives in circumstances allegedly engaging the responsibility of the State, it has recognised the standing of the victim's next-of-kin to submit an application even if the next-of-kin was not involved in the domestic procedure (*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, §§ 98-100, ECHR 2014).

28. The Court observes that the criminal investigation opened *ex officio* into the events of December 1989 concerned, among other issues, injury to the applicants and the death of their close relatives in gunfire.

29. The Court notes that the applicants complained of a violation of Article 2 of the Convention under its procedural head in relation to the alleged ineffectiveness of the criminal investigation, on account of its length and the authorities' failure to involve them in the procedure.

30. In conclusion, the Court finds that all the applicants may claim to be a victim within the meaning of Article 34 of the Convention. The Court observes that this part of the applications is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds, bearing also in mind the Court's findings with respect to its *ratione temporis* jurisdiction in the cases of *Association "21 December 1989" and Others* (cited above, §§ 116-118) and, *mutatis mutandis*, *Mocanu and Others* (cited above §§ 207-211). It must therefore be declared admissible.

B. Merits

31. The applicants complained of the lack of an effective criminal investigation by the authorities into the violent quashing of the anti-communist demonstrations of December 1989 in Bucharest and other cities, in which they had been injured or their close relatives had been killed by gunfire. In particular, they complained of the excessive length of the proceedings and long periods of inactivity, as well as other shortcomings and a lack of impartiality in the investigation. They referred to the fact that the criminal investigation was still pending before the prosecuting authorities, more than twenty-five years after the events in question.

32. As regards the facts and progress of the criminal investigation, the Government made reference to their observations in *Association "21 December 1989" and Others* (cited above) and *Alecu and Others* (cited above). In addition, they argued that the military prosecutors who had carried out the criminal investigation had been independent and impartial in their judicial decisions, there being no relationship of subordination between them and the Ministry of National Defence, under Laws no. 303/2004 and 304/2004, as amended.

33. The Court reiterates that an investigation must be effective in the sense that it is capable of leading to a determination of the circumstances of fact and to the identification and punishment of those responsible. This is not an obligation of result, but of means. A requirement of promptness and reasonable expedition is implicit in this context (see *Kelly and Others v. the United Kingdom*, no. 30054/96, §§ 96-97, 4 May 2001, and *Anguelova v. Bulgaria*, no. 38361/97, § 139, ECHR 2002-IV). Even where there may be obstacles or difficulties which prevent progress in an investigation in a particular situation, a prompt response by the authorities is vital in maintaining public confidence in their adherence to the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts. The State's obligation under Article 2 of the Convention will not be satisfied if the protection afforded by domestic law exists only in theory: above all, it must also operate effectively in practice and that requires a prompt examination of the case without unnecessary delays. Any deficiency in the investigation which undermines its ability to establish the cause of death or the person responsible will risk falling foul of this standard (see *Šilih v. Slovenia* [GC], no. 71463/01, § 195, 9 April 2009; *Varnava and Others v. Turkey* [GC], nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90, § 191, ECHR 2009; and *Association "21 December 1989" and Others*, cited above, § 134).

34. In the present case, the Court notes that in 1990 a criminal investigation was opened *ex officio* with regard to the armed suppression of the anti-communist demonstrations of December 1989 in Bucharest and

other cities, with a view to establishing the circumstances of the death or injury of a large number of people.

35. The Court observes that it can only take into consideration the period after 20 June 1994, when the Convention entered into force in respect of Romania (see *Şandru and Others*, cited above, §§ 55-59).

36. In 1994 the case was pending before the military prosecutor's office. In this connection, the Court notes that the statutory provisions concerning military judges and prosecutors have been amended (see paragraphs 18 – 20). In the present case, the investigation carried out by the military prosecutors does not, of itself, raise questions under the procedural head of Article 2 (see *Mustafa Tunç and Fecire Tunç v. Turkey* [GC], no. 24014/05, §§ 223 and 237, 14 April 2015).

37. Regard must be had as to exactly how the investigation was carried out, and whether it can be qualified as effective within the meaning of Article 2 of the Convention.

38. The investigation in question appears to be still pending before the prosecuting authorities after more than twenty-five years – and four years after the judgment in *Association "21 December 1989" and Others* (cited above) became final.

39. The Court does not underestimate the undeniable complexity of the present case. It considers, however, that complexity alone cannot justify the length of the investigation or the manner in which it was conducted over that very lengthy period.

40. In addition, the shortcomings in the investigation have on several occasions been noted by the domestic authorities themselves. The subsequent investigation, however, did not remedy those shortcomings.

41. In *Association "21 December 1989" and Others* (cited above, §§ 133-145 and §§ 152-154), the Court examined the conduct by the domestic authorities of the investigation opened *ex officio* into the violent suppression of the demonstrations during the events of December 1989. It concluded that Article 2 of the Convention had been violated under its procedural head on the grounds that the domestic authorities had failed to act with diligence.

42. The Court noted in respect of the same events and the same criminal investigation that the domestic authorities had also failed to comply with their obligation to involve the victims' close relatives in the procedure (see *Acatrinei and Others*, cited above, §§ 33-35). In that connection, the Court observes that no justification has been put forward with regard to the total lack of information provided to the applicants about the investigation, especially from 2011 to the present day (see *Association "21 December 1989" and Others*, cited above, §§ 140-141).

43. In the light of the foregoing, the Court considers that the applicants did not have the benefit of an effective investigation, as required by Article 2 of the Convention.

44. There has accordingly been a violation of Article 2 of the Convention, under its procedural head.

III. ALLEGED VIOLATION OF ARTICLES 6 AND 13 OF THE CONVENTION IN RESPECT OF LENGTH OF PROCEEDINGS AND ABSENCE OF AN EFFECTIVE DOMESTIC REMEDY

45. The applicants complained of the length of the criminal proceedings opened after the events of December 1989 in Bucharest and other cities. They also complained of the lack of an effective remedy in respect of the determination of their claims. They relied in that connection on Article 6 § 1 and Article 13 of the Convention. Those provisions read as follows:

Article 6 § 1

““In the determination of [his civil rights and obligations] ... any criminal charge against him, everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal...”

Article 13

“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

46. The Government contested that complaint.

47. Having regard to the finding relating to Article 2 (see paragraph 44 above), the Court considers that it is not necessary to examine whether, in this case, there has been a violation of Article 6 § 1 and Article 13 (see *Association “21 December 1989” and Others* (cited above, § 181) and *Alecu and Others* (cited above, § 45).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

48. 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

49. The applicants claimed amounts between 100,000 euros (EUR) and EUR 1,000,000 in respect of pecuniary damage and amounts between EUR 100,000 and EUR 1,000,000 in respect of non-pecuniary damage.

50. The Government contested these claims, considering the amounts excessive.

51. The Court notes that its finding of a violation of the procedural head of Article 2 of the Convention arising from the absence of an effective

criminal investigation into the injuring of the applicants and the killing of their close relatives by gunfire during the events of December 1989 constitutes the sole basis for awarding just satisfaction in the present cases.

52. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. On the other hand, the Court considers that the violation of the procedural head of Article 2 has caused the applicants substantial non-pecuniary damage, such as distress and frustration. Ruling on an equitable basis, it awards them the amounts set out in the appended table, under this head, plus any tax that may be chargeable.

B. Costs and expenses

53. The applicants did not submit a claim for costs and expenses.

C. Default interest

54. 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

1. *Decides*, unanimously, to join the applications;
2. *Declares*, by a majority, the applications admissible in respect of the complaint under Article 2 of the Convention;
3. *Holds*, by six votes to one, that there has been a violation of Article 2 of the Convention in its procedural head;
4. *Holds*, unanimously, that there is no need to examine the complaint under Article 6 § 1 and Article 13 of the Convention;
5. *Holds*, by six votes to one,
 - (a) that the respondent State is to pay each applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the amounts set out in the appended table, plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

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

6. *Dismisses*, unanimously, the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 12 April 2016, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Françoise Elens-Passos
Registrar

András Sajó
President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the separate opinion of Judge Krzysztof Wojtyczek is annexed to this judgment.

A.S.
F.E.P.

APPENDIX

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
1.	43626/13 28/06/2013	Ecaterina MIREA 07/01/1938 Bucharest	Ionuț MATEI	Mother of a victim shot in Bucharest on 21 December 1989, who died on 25 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
2.	43644/13 28/06/2013	Livia DIMA 04/12/1941 Bucharest	Ionuț MATEI	Mother of a victim shot in Bucharest on 23 December 1989, who died on 26 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
3.	43652/13 28/06/2013	Elena COMAN 15/11/1980 Bucharest	Ionuț MATEI	Daughter of a victim shot in Bucharest on 21 December 1989, who died on 24 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
4.	43663/13 28/06/2013	Maria CIUNGAN 25/01/1928 Bucharest	Ionuț MATEI	Mother of a victim killed by gunshots in Bucharest on 24 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
5.	43666/13 28/06/2013 43682/13 28/06/2013	Maria BENDORFEAN 01/08/1961 Cioponești, Vâlcea County Alexandra Ioana BENDORFEAN 21/12/1988 Cioponești, Vâlcea County	Ionuț MATEI	Widow and daughter of a victim shot in Bucharest on 21 December 1989, who died on 24 December 1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
6.	43674/13 28/06/2013	Dumitru Ilie BENDORFEAN 26/05/1979 Rupturile, Dolj County	Ionuț MATEI	Son of a victim shot in Bucharest on 21 December 1989, who died on 24 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
7.	43754/13 28/06/2013 43912/13 28/06/2013	Alina Andreea MANEA 15/09/1986 Bucharest Marilena Lucia MANEA 11/06/1967 Bucharest	Ionuț MATEI	Daughter and widow of a victim killed by gunshots in Bucharest on 25 December 1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
8.	43778/13 28/06/2013 43792/13 28/06/2013	Daniel MIRCIA 01/04/1978 Timișoara Mihaela Emilia MIRCIA 04/10/1974 Timișoara	Ionuț MATEI	Son and daughter of a victim killed by gunshots in Timișoara on 23 December 1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
9.	43788/13 28/06/2013 43917/13 28/06/2013 43886/13 28/06/2013	Iosefa MIRCEA 21/07/1968 Sinandrei, Timiș County Paul FLUERAN 16/03/1962 Sinandrei, Timiș County Veronica SAVIN 02/05/1963 Sinandrei, Timiș County	Ionuț MATEI	Son and daughters of a victim killed by gunshots in Timișoara on 25 December 1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
10.	43803/13 28/06/2013	Georgeta RĂDULESCU 02/07/1948 Bucharest	Ionuț MATEI	Mother of a victim shot in Bucharest on 23 December 1989 and who died on 24 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
11.	43824/13 28/06/2013	Ana PAVEL 27/09/1974 Bucharest	Ionuț MATEI	Injured by gunshots in Bucharest on 22 December 1989. As noted in minutes of 13 January 1990, the public prosecutor took note of the applicant's situation. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
12.	43829/13 28/06/2013 43840/13 28/06/2013	Maria PĂUNOIU 02/12/1946 Bucharest Sebastian Silviu PĂUNOIU 03/09/1970 Bucharest	Ionuț MATEI	Widow and son of a victim killed by gunshots in Bucharest on 23 December 1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
13.	43834/13 28/06/2013	Georgiana Andreea PĂUNOIU 15/07/1968 Bucharest	Ionuț MATEI	Daughter of a victim killed by gunshots in Bucharest on 23 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
14.	43878/13 28/06/2013	Nechifora TIAN 20/06/1941 Bucharest	Ionuț MATEI	Mother of a victim killed by gunshots in Bucharest on 23 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
15.	43907/13 28/06/2013	Elena JUBEA 01/03/1934 Timișoara	Ionuț MATEI	Mother of a victim killed by gunshots in Timișoara on 24 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
16.	64622/13 08/10/2013 64719/13 08/10/2013	Cătălin Florian BĂLAN 03/08/1974 Bucharest Carmen-Bianca BĂLAN 23/08/1976 Bucharest	Ionuț MATEI	Son and daughter of a victim killed by gunshots in Bucharest on 23 December 1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
17.	64623/13 08/10/2013	Maria FLORESCU 05/10/1936 Bucharest	Ionuț MATEI	Mother of a victim killed by gunshots in Bucharest on 23 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
18.	64625/13 08/10/2013	Georgeta MARIN 02/02/1945 Bucharest	Ionuț MATEI	Mother of a victim killed by gunshots in Bucharest on 24.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
19.	64629/13 08/10/2013 64783/13 08/10/2013	Liliana MITU 24/10/1957 Bucharest Florentina-Adriana RĂUȚU 27/06/1981 Bucharest	Ionuț MATEI	Widow and daughter of a victim killed by gunshots in Bucharest on 21.12.1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
20.	64630/13 08/10/2013 64679/13 08/10/2013 64691/13 08/10/2013	Floarea VLAD 09/09/1954 Bucharest Florența-Lidia VLAD 10/03/1978 Bucharest Alexandru-Cristian VLAD 11/02/1976 Bucharest	Ionuț MATEI	Widow, daughter and son of a victim killed by gunshots in Bucharest on 23.12.1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
21.	64631/13 08/10/2013 64650/13	Elena-Alexandra SANDU 05/12/1989 Bucharest Vetuța Claudia SANDU	Ionuț MATEI	Daughter and widow of a victim killed by gunshots in Bucharest on 21.12.1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
	08/10/2013	02/05/1973 Bucharest				
22.	64632/13 08/10/2013 64689/13 08/10/2013 64692/13 08/10/2013	Aurelian MORĂRAȘ 29/11/1980 Bucharest Elena MORĂRAȘ 15/06/1959 Bucharest Marius-Andrei MORĂRAȘ 22/10/1983 Bucharest	Ionuț MATEI	Sons and widow of a victim killed by gunshots in Bucharest on 22.12.1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
23.	64646/13 08/10/2013	Ioan BUCȘA 31/07/1925 Bucharest	Ionuț MATEI	Father of a victim killed by gunshots in Bucharest on 24 December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
24.	64654/13 08/10/2013 64717/13 08/10/2013	Mihai Cosmin MĂRĂCINICĂ 07/02/1989 Bucharest Felicia MĂRĂCINICĂ 03/05/1958 Bucharest	Ionuț MATEI	Son and widow of a victim killed by gunshots in Slobozia on 24 December 1989, following a refusal to stop the car for a military check. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
25.	64661/13 08/10/2013	Cornel MĂRĂCINICĂ 10/10/1977 Bucharest	Ionuț MATEI	Son of a victim killed by gunshots in Slobozia on 24 December 1989, following a refusal to stop the car for a military check. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
26.	64664/13 08/10/2013	Maria OPREA 10/06/1963 Bucharest	Ionuț MATEI	Parents and son of a victim killed by gunshots in Bucharest on 22 December 1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
	64669/13 08/10/2013	Gheorghe OPREA 13/08/1932 Bucharest				
	64699/13 08/10/2013	Mihai Alexandru OPREA 27/10/1987 Bucharest				
27.	64672/13 08/10/2013	Dobrin CONSTANTIN 09/09/1976 Bucharest	Ionuț MATEI	Son, widow and daughter of a victim killed by gunshots in Bucharest on 23 December 1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
	64682/13 08/10/2013	Maria CONSTANTIN 14/03/1952 Bucharest				
	64676/13 08/10/2013	Cristina CONSTANTIN 27/07/1987 Bucharest				
28.	64680/13 08/10/2013	Florin-Vasile LUPU 18/12/1985 Bucharest	Ionuț MATEI	Sons and widow of a victim killed by gunshots Bucharest on 24.12.1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
	64683/13 08/10/2013	Costel LUPU 13/11/1987 Bucharest				
	64688/13 08/10/2013	Mihai LUPU 21/11/1984				

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
	64693/13 08/10/2013	Bucharest Aurica LUPU 02/07/1955 Bucharest				
29.	64684/13 08/10/2013	Ionica-Lili IONICĂ 07/04/1979 Bucharest	Ionuț MATEI	Daughter of a victim killed by gunshots in Bucharest on 23.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
30.	64695/13 08/10/2013	Cosmin MORĂRAȘ 17/11/1979 Bucharest	Ionuț MATEI	Son of a victim killed by gunshots in Bucharest on 22.12.1989 Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
31.	64703/13 08/10/2013 64781/13 08/10/2013	Raluca Alexandra COVORAN 28/08/1970 Bucharest Elena-Maria BĂDULESCU 11/02/1950 Bucharest	Ionuț MATEI	Daughter and widow of a victim killed by gunshots in Bucharest on 23.12.1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
32.	64706/13 08/10/2013 64788/13 08/10/2013	Ana SANDU 14/06/1957 Bucharest Leonardo Eugen SANDU 15/03/1978 Bucharest	Ionuț MATEI	Widow and son of a victim killed by gunshots in Bucharest on 22.12.1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
33.	64712/13 08/10/2013	Ionica CRĂCIUN 15/10/1974 Bucharest	Ionuț MATEI	Daughter of a victim killed by gunshots in Bucharest on 22.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
34.	64713/13 08/10/2013	Oliviu-Flaviu PETRE 15/07/1975 Bucharest	Ionuț MATEI	Son of a victim killed in a plane crash in Vișina, Dâmbovița on 28.12.1989, linked to the military operations of December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
35.	64714/13 08/10/2013	Elisabeta TENTZER 30/06/1941 Bucharest	Ionuț MATEI	Mother of a victim killed by gunshots in Bucharest on 26.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
36.	64721/13 08/10/2013	Mihai-Cosmin MOLDOVEANU 24/03/1980 Bucharest	Ionuț MATEI	Son of a victim killed in a plane crash in Vișina, Dâmbovița on 28.12.1989, linked to the military operations of December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
37.	64724/13 08/10/2013	Adrian-Nicolae BUCUR 16/10/1983 Bucharest	Ionuț MATEI	Son of a victim killed by gunshots in Bucharest on 26.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
38.	64727/13 08/10/2013	Anișoara BORȘU 20/06/1950 Bucharest	Ionuț MATEI	Mother of a victim killed by gunshots in Bucharest on 25.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
39.	64729/13 08/10/2013	Camil-Dragoș MOLDOVEANU 08/05/1986 Bucharest	Ionuț MATEI	Son of a victim killed in a plane crash in Vișina, Dâmbovița on 28.12.1989, linked to the military operations of December 1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
40.	64734/13 08/10/2013	Cristina GORNEANU 07/01/1932 Bucharest	Ionuț MATEI	Mother of a victim killed by gunshots in Bucharest on 24.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
41.	64743/13 08/10/2013	Vasile OLTEANU 03/05/1942 Bucharest	Ionuț MATEI	Parents of a victim killed by gunshots in Bucharest on 22.12.1989. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly

No.	Application no. and date of application	Applicant name Date of birth Place of residence	Represented by	Particular circumstances of the application	Applicable Article	Amount to be paid by the respondent State under Article 41 of the Convention
	64747/13 08/10/2013	Maria OLTEANU 22/08/1945 Bucharest				
42.	64745/13 08/10/2013	Ana Maria-Raluca BUCUR 12/08/1985 Bucharest	Ionuț MATEI	Daughter of a victim killed by gunshots in Bucharest on 26.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
43.	64763/13 08/10/2013	Alina CONSTANTIN 24/06/1980 Bucharest	Ionuț MATEI	Daughter of a victim killed by gunshots in Bucharest on 23.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)
44.	64771/13 08/10/2013 64778/13 08/10/2013	Felicia LAMBERT 02/10/1952 Bucharest Constantin LAMBERT 30/12/1948 Bucharest	Ionuț MATEI	Parents of a victim killed by gunshots in Bucharest on 23.12.1989. Mother injured by gunshots in Bucharest on 23.12.1989, with supporting medical evidence. Parties in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros) jointly
45.	64797/13 08/10/2013	Adriana MOISE 11/03/1982 Bucharest	Ionuț MATEI	Daughter of a victim killed by gunshots Bucharest on 22.12.1989. Party in domestic file no. 97/P/1990.	2	EUR 15,000 (fifteen thousand euros)

DISSENTING OPINION OF JUDGE WOJTYCZEK

I have voted against finding a violation in the instant case for the reasons explained in detail in my separate opinions in the cases of *Janowiec and Others v. Russia* ([GC], nos. 55508/07 and 29520/09, ECHR 2013) and *Mocanu and Others v. Romania* ([GC], nos. 10865/09, 45886/07 and 32431/08, ECHR 2014 (extracts)). In my opinion, the respondent State is under no obligation to investigate events pre-dating the entry into force of the Convention in respect of that State.

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