DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW

DIRECTORATE OF HUMAN RIGHTS
DEPARTMENT FOR THE EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Dr Camelia Bogdan

Sent by email:
camibogdan@gmail.com

Strasbourg, 12 December 2022

Subject: Case of *Camelia Bogdan v. Romania* (Application No. 36889/18) – Judgment of 20 October 2020, final on 20 January 2021

Dear Dr Bogdan,

I refer to your correspondence of 31 October 2022, 11, 22, 26 and 28 November 2022, and 9 December 2022, with attachments, submitted under the cover of Rule 9 (1) of the Rules of the Committee of Ministers for the execution of judgments and of the terms of friendly settlements in relation to the judgment above.

In response, I note that in this judgment, the European Court found a violation of Article 6, paragraph 1, of the Convention on account of your inability to effectively challenge the automatic suspension from duty, with stoppage of salary, on 21 March 2017, pending consideration of your appeal against the removal from judicial office imposed as a disciplinary sanction by the Superior Council of the Magistracy.

The judgment indicates that the suspension from office came to an end once you were reinstated in your duties, pursuant to a ruling of the High Court of Cassation and Justice of 13 December 2017, which quashed that sanction and replaced it with a temporary transfer to another court. On that basis, the Bucharest Court of Appeal paid the salaries due for the entire suspension period (from 22 March to 13 December 2017) and the corresponding social security contributions (§§ 14 - 15 of the judgment).

At the time the European Court's judgment became final, the violation established had thus ceased. As to its consequences, the Court awarded compensation in respect of non-pecuniary damage. It found no causal link between the violation and the claim submitted to it under Article 41 of the Convention in respect of pecuniary damage.

Accordingly, to achieve *restitutio in integrum* in this case, pursuant to Article 46 of the Convention, the respondent State's sole obligation was to pay the compensation awarded for non-pecuniary damage, which was done on 29 April 2021.

Since the issues raised in your correspondence do not concern that payment nor any aspect of relevance for the question of individual measures in relation to the European Court's judgment of 20 October 2020, these submissions fall outside the scope of Rule 9 (1) of the Committee's Rules and cannot be treated pursuant to the procedure set out in that rule.

Yours sincerely,

Dimitrina Lilovska
Head of Division *a.i.*