

Prisoner ill-treated by police and exposed to inhuman detention conditions

In today's Chamber judgment in the case [I. D. v. Moldova](#) (application no. 47203/06), which is not final¹, the European Court of Human Rights held, unanimously, that there had been:

Two violations of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights; and

A violation of Article 13 (right to an effective remedy) taken together with Article 3.

The case concerned the applicant's ill-treatment in police custody and the poor conditions of his detention.

Principal facts

The applicant, I.D., is a Moldovan national who was born in 1977 and is currently detained in Cricova Prison (Moldova). Arrested on theft charges in October 2003, he was ill-treated by police officers during his detention. In particular, according to his submissions, he was beaten with rubber batons, given electric shocks and raped with a bottle while being photographed. After ten days, he was taken before a judge for the extension of his detention and, on the order of the judge, examined by a doctor, who found numerous bruises on his body and concluded that they could have been caused by the treatment Mr D. described.

Between his arrest and October 2006, Mr D. was detained in four different detention facilities. According to his submissions, he was held in very poor conditions in all of them. In particular, during his detention in Prison no. 13 in Chişinău between February and October 2006 he was placed in a cell which was not appropriately equipped for his state of health. Suffering from haemorrhoids and a urinary tract disorder and having undergone surgery to his anus, he had to climb to the upper berth several times a day, which contributed to post-surgery complications. He was not provided with an enema, the toilet in the cell lacked a rim and he was unable to take care of his personal hygiene.

Mr D.'s complaint about his ill-treatment by the police was dismissed by the prosecutor general's office in May 2006 and his appeal was dismissed in February 2007.

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Complaints, procedure and composition of the Court

Relying on Articles 3 and 13, Mr D. complained of his ill-treatment by the police and of his detention conditions, and alleged that he had no effective remedies with regard to the detention conditions.

The application was lodged with the European Court of Human Rights on 12 November 2006.

Judgment was given by a Chamber of seven, composed as follows:

Nicolas **Bratza** (the United Kingdom), *President*,
Lech **Garlicki** (Poland),
Ljiljana **Mijović** (Bosnia and Herzegovina),
David Thór **Björgvinsson** (Iceland),
Ján **Šikuta** (Slovakia),
Päivi **Hirvelä** (Finland),
Mihai **Poalelungi** (Moldova), *Judges*,

and also Lawrence **Early**, *Section Registrar*.

Decision of the Court

Article 3 (ill-treatment by the police)

The Moldovan Government declared that they were unable to provide a plausible explanation for the injuries sustained by Mr D. in custody and that they were ready to concede that there had been a breach of his rights under Article 3. In another case against Moldova², the Court had in similar circumstances found breaches of that Article. In the light of that and in view of the Government's clear acknowledgement of a breach, the Court concluded that there had been a violation of Article 3.

Article 3 (detention conditions)

The Court declared admissible only the complaints concerning the conditions of Mr D.'s detention in Prison no. 13 in Chişinău between February and October 2006, as the complaints about the conditions in the other facilities had been lodged more than six months after the alleged violation and thus did not meet the formal requirements. As regards the detention in Prison no. 13, the Court had in another case³ found a violation of Article 3 in respect of the applicant's poor conditions of detention in the same facility. The Court therefore considered that the hardship endured by Mr D. during his detention had gone beyond the unavoidable level inherent in detention and had reached a threshold of severity contrary to Article 3. Accordingly, there had been a violation of that Article.

Article 13

The Court observed that the Government had failed to submit evidence as to the existence of any effective domestic remedies in respect of Mr D.'s complaint. There had thus been a breach of Article 13 of the Convention in respect of the conditions of his detention in Prison no. 13.

² *Buzilov v. Moldova* (no. 28653/05) of 23 June 2009

³ *Țurcan v. Moldova* (no. 10809/06) of 27 November 2007

Article 41

Under Article 41 (just satisfaction) of the Convention, the Court held that Moldova was to pay the applicant 15,000 euros in respect of non-pecuniary damage.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.