



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

## FOURTH SECTION

### DECISION

Application no. 1127/15  
Dănuț NEAGU against Romania  
and 5 other applications  
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 8 April 2021 as a Committee composed of:

Armen Harutyunyan, *President*,

Jolien Schukking,

Ana Maria Guerra Martins, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Romanian Government ("the Government").

## THE LAW

### A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.



**B. Complaints under Article 3 of the Convention (inadequate conditions of detention)**

The applicants complained of the inadequate conditions of their detention. They relied on Article 3 of the Convention, which reads as follows:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

The Government argued mainly that the applicants had lost their victim status because they had benefited from the remedy offered by Law no. 169/2017 amending and completing Law no. 254/2013 on the execution of sentences. They asked the Court to reject the present applications for being incompatible *ratione personae* with the provisions of the Convention.

The applicants disagreed, claiming that the compensation awarded to them had been insufficient.

The Court notes that in its recent decision *Dirjan and Ștefan v. Romania* ((dec.), nos. 14224/15 and 50977/15, 15 April 2020) it has examined similar applications as the ones in the present case and declared them inadmissible considering that the applicants had lost their victim status. The Court noted that Law no. 169/2017 amending and completing Law no. 254/2013 on the execution of sentences, adopted following the pilot judgment in the case of *Rezmiveș and Others v. Romania* (nos. 61467/12 and 3 others, 25 April 2017) and in force between October 2017 and December 2019, had been an effective remedy in respect of inadequate conditions of detention in Romanian prisons. More specifically, the above law had set forth a compensatory remedy, available for periods of detention ranging from 2012 to 2019 and allowing the deduction of six days for 30 days spent in conditions of detention that fell short of standards compatible with Article 3 of the Convention (see *Dirjan and Ștefan*, cited above, § 28). That benefit had an impact on the term of the prison sentences giving detainees an opportunity of earlier release on parole.

Turning to the circumstances of the present cases, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility of these complaints. The above-mentioned remedy was available to the applicants in the present applications and, indeed, they benefitted from it. Thus, on different dates, the domestic authorities, applying the provisions described in the abovementioned decision *Dirjan and Ștefan*, awarded compensation, through the reduction of days, to the applicants for the entire period of detention spent in inadequate conditions of which they complained (for further details see the appended table).

The Court is therefore satisfied that the applicants have been afforded adequate redress and can no longer claim to be victims of a violation of their



rights under Article 3 of the Convention insofar as the conditions of their detention, described in the appended table, are concerned. It follows that the applications in this part are incompatible *ratione personae* with the provisions of the Convention and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

### **C. Remaining complaints**

In applications nos. 57294/15, 61654/15 and 20658/16, the applicants also raised other complaints under Article 3 of the Convention.

The Court has examined the applications listed in the appended table and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that these parts of the applications nos. 57294/15, 61654/15 and 20658/16 must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Declares* the applications inadmissible.

Done in English and notified in writing on 29 April 2021.

Viktoriya Maradudina  
Acting Deputy Registrar

Armen Harutyunyan  
President



NEAGU v. ROMANIA AND OTHER APPLICATIONS DECISION

APPENDIX

List of applications raising complaints under Article 3 of the Convention  
(inadequate conditions of detention)

| No. | Application no.<br>Date of<br>introduction | Applicant's name<br>Year of birth             | Representative's<br>name and location | Facility<br>Start and end date<br>Duration  | Domestic compensation awarded<br>(in days)<br>based on total period calculated domestically  |
|-----|--|---|---------------------------------------|---|--|
| 1.  | 1127/15<br>18/12/2014                      | <b>Dănuț NEAGU</b><br>1987                    |                                       | Brăila Prison<br>20/08/2013 to<br>07/11/2017<br>4 years and 2 months and 19 days                      | 384 days in compensation for a total period of detention<br>spent in inadequate conditions between 24/07/2012 - 07/11/2017   |
| 2.  | 57294/15<br>06/11/2015                     |   |                                       |   |  |
| 3.  | 61654/15<br>15/02/2016                     | <b>Emanuel-Mugurel<br/>COSÎMBESCU</b><br>1965 | Irina Maria Peter<br>Bucharest        | Jilava, Rahova and Giurgiu Prisons<br>24/07/2015 to<br>20/04/2018<br>2 years and 8 months and 28 days | 408 days in compensation for a total period of detention spent in<br>inadequate conditions from 24/07/2012 to 20/04/2018   |
| 4.  | 20658/16<br>05/05/2016                     | <b>Ionel MIHĂILĂ</b><br>1965                  |                                       | Brăila Prison<br>24/04/2014 to<br>03/07/2018<br>4 years and 2 months and 10 days                      | 258 days in compensation for a total period of detention spent in<br>inadequate conditions from 24/07/2012 to 03/07/2018, with the<br>exception of 595 days spent in Brăila Prison Infirmary |
| 5.  | 23872/16<br>26/07/2016                     | <b>George-Laurențiu<br/>BUCUR</b><br>1994     |                                       | Miercurea-Ciuc Prison<br>11/12/2015 to<br>19/10/2017<br>1 year and 10 months and 9 days               | 216 days in compensation for a total period of detention spent in<br>inadequate conditions from 03/09/2014 to 19/10/2017   |
| 6.  | 27109/16<br>01/09/2016                     | <b>Irinel-Vasile<br/>BOGHEAN</b><br>1985      |                                       | Tulcea and Arad Prisons<br>31/01/2013 to<br>06/03/2019<br>6 years and 1 month and 7 days              | 384 days in compensation for a total period of detention spent in<br>inadequate conditions from 31/01/2013 to 06/03/2019   |