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

FOURTH SECTION

DECISION

Application no. 82237/17
Ștefan-Constantin BUTNARU
against Romania

The European Court of Human Rights (Fourth Section), sitting on 3 October 2024 as a Committee composed of:

Anne Louise Bormann*, President*,
Sebastian Răduleţu,
Mateja Đurović*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 28 November 2017,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Ms A. Cadar, a lawyer practising in Galați.

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

THE LAW

In the present application, having examined all the material before it, the Court considers that for the reasons stated below, the application is inadmissible.

In particular, the Court notes that the applicant complained about the conditions of detention he was held in Găești Prison. From the Government's submissions it is apparent that the applicant was detained in Găești Prison between 19 December 2016 and 23 February 2017.

The Government argued that the applicant had been held as of 24 February 2017 until his release on 28 June 2017 in Iași Prison, a detention facility about which he had not complained. They further stated that between 26 February and 16 December 2016 the applicant had been detained in Bucharest-Jilava, Bucharest-Rahova, Vaslui, Craiova and Bacău Prisons, detention facilities about which he also had not complained.

Against this background, the Court must determine whether the applicant complied with the six-month time-limit established by Article 35 § 1 of the Convention.

The Court reiterates that, in the absence of an effective remedy for complaints about inadequate conditions of detention, Article 35 § 1 of the Convention permits it to deal with a matter only if the application is lodged within six months of the date of the cessation of that situation (see *Iacov Stanciu v. Romania*, no. 35972/05, § 136, 24 July 2012).

The Court further reiterates that a period of detention should be regarded as a "continuing situation" if the detention has been effected in the same type of detention facility in substantially similar conditions. The applicant's release or transfer to a different type of detention regime, either within or outside the facility, would put an end to the "continuing situation" (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 78, 10 January 2012).

In the absence of a description whatsoever of the conditions of detention in Iași Prison, the Court cannot conclude that the applicant was detained in identical or substantially similar conditions. Thus, it finds that the applicant's transfer on 24 February 2017 interrupted the continuous situation of the applicant's detention (see *Abdilla v. Malta*, no. 36199/15, § 28, 17 July 2018).

Given this interruption and taking into account the fact that the application was introduced on 28 November 2017, the applicant's complaint about the conditions of his detention between 19 December 2016 and 23 February 2017 was submitted outside of the six-month time-limit (see *Cloşcă and Others v. Romania*, nos. 54609/15 and 2 others, § 13, 8 October 2020).

In view of the above, the Court finds that this complaint has been introduced out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 24 October 2024.

Viktoriya Maradudina Acting Deputy Registrar	Anne Louise Bormann President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration
82237/17 28/11/2017	**Ștefan-Constantin BUTNARU** 1987	Andreea-Gabriela Cadar Galati	Găești Prison 19/12/2016 to 23/02/2017 2 month(s) and 5 day(s)