

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

FOURTH SECTION

DECISION

Application no. 12914/16
Teodor GANEA against Romania
and 9 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 2 February 2023 as a Committee composed of:

Armen Harutyunyan*, President*,
Anja Seibert-Fohr,
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 principally 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 benefitted 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 was insufficient.

The Court notes that in the decision *Dîrjan and Ştefan 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 because 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 *Rezmiveş and Others v. Romania* (nos. 61467/12 and 3 others, 25 April 2017) and in force between October 2017 and December 2019, was an effective remedy in respect of inadequate conditions of detention in Romanian prisons. More specifically, the above law 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 *Dîrjan and Ştefan*, 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 those 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 laid down in the abovementioned decision *Dîrjan and Ştefan*, 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). Furthermore, the applicants were released from prison or were transferred to detention facilities they are not complaining about.

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. 61563/16, 54372/17 and 66147/17 the applicants also raised other complaints under Article 3 of the Convention complaining about their conditions of detention during periods preceding the ones indicated in the appended table.

The Court has examined these complaints 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 either 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 this part of the applications 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 2 March 2023.

Viktoriya Maradudina Acting Deputy Registrar	Armen Harutyunyan President

APPENDIX

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

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Domestic compensation awarded (in days) based on total period calculated by national authorities
1.	12914/16 26/07/2016	**Teodor GANEA** 1989		Codlea, Miercurea Ciuc and Gherla Prisons 26/06/2014 to 15/12/2017 3 year(s) and 5 month(s) and 20 day(s)	234 days in compensation for a period of 1,184 days spent in inadequate conditions from 26/06/2014 to 15/12/2017
2.	19089/16 27/06/2016	**Florian DOBRE** 1968		Bucharest Police detention facility no. 5; Bucharest – Rahova, Giurgiu and Bucharest – JilavaPrisons 18/06/2014 to 01/11/2017 3 year(s) and 4 month(s) and 15 day(s)	234 days in compensation for a period of 1,180 days spent in inadequate conditions from 18/06/2014 to 01/11/2017
3.	27166/16 08/08/2016	**Cătălin-Nicolae CERBU** 1980		Maramureș County Police Station; Gherla Prison 02/10/2013 to 13/02/2019 5 year(s) and 4 month(s) and 12 day(s)	372 days in compensation for a period of 1,869 days spent in inadequate conditions between 02/10/2013- 13/02/2019
4.	43420/16 11/07/2016	**Viorel IVAN** 1975		Vaslui County Police Station; Iași, Bucharest – Rahova, Vaslui, Tulcea and Brăila Prisons 16/04/2013 to 05/12/2017 4 year(s) and 7 month(s) and 20 day(s)	324 days in compensation for a period of 1,634 days spent in inadequate conditions between 16/04/2013-05/12/2017
5.	48642/16 04/08/2016	**Marius CONSTANTINA** 1977		Bucharest - Rahova, Miercurea-Ciuc, Mioveni (Colibași), Mărgineni, Bucharest – Jilava and Găești Prisons 09/07/2013 to 09/04/2019 5 year(s) and 9 month(s) and 1 day(s)	420 days in compensation for a period of 2,112 days spent in inadequate conditions between 09/07/2013- 09/04/2019

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Domestic compensation awarded (in days) based on total period calculated by national authorities
6.	51206/16 19/09/2016	**Cătălin VLAD** 1970	Elena Laura Vlad Bobolia	Mărgineni, Ploiești and Găești Prisons 30/06/2016 to 18/07/2018 2 year(s) and 19 day(s)	144 days in compensation for a period of 739 days spent in inadequate conditions between 30/06/2016 to 18/07/2018
7.	61563/16 17/10/2016	**Vasile MARINA** 1976	Vasile Rareș Biro Satu Mare	Oradea, Arad and Satu Mare Prisons 03/12/2014 to 3 year(s) and 10 month(s) and 8 day(s)	378 days in compensation for a period of 1,890 days spent in inadequate conditions from 03/12/2014-10/10/2018
8.	72908/16 25/11/2016	**Ciprian RĂDULESCU** 1957	Carmen Rădulescu Brașov	Codlea and Miercurea Ciuc Prisons 13/10/2014 to 25/10/2017 3 year(s) and 13 day(s)	210 days in compensation for a period of 1,068 days spent in inadequate conditions between 13/10/2014 - 25/10/2017
9.	54372/17 21/07/2017	**Petre ILIE** 1990	Andreea-Gabriela Cadar Galati	Slobozia, Constanţa - Poarta Albă, Bucharest – Rahova, Tulcea and Gherla Prisons 07/08/2014 to 21/05/2017 2 year(s) and 9 month(s) and 14 day(s)	420 days in compensation for the period spent in inadequate conditions between 07/08/2014-21/05/2017
10.	66147/17 31/08/2017	**Marian VASIOI** 1964	Andreea-Gabriela Cadar Galati	Constanţa – Poarta Albă, Bucharest – Rahova and Slobozia Prisons 03/06/2014 to 27/04/2017 2 year(s) and 10 month(s) and 24 day(s)	450 days in compensation for the period spent in inadequate conditions between 03/06/2014-27/04/2017