

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

FOURTH SECTION

DECISION

Application no. 9464/16
Sorin GHEORGHE against Romania
and 6 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 8 December 2022 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.

In view of the above, the Court finds 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. 9464/16, 6060/17, 18499/17, 24134/17 and 35187/18, 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 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 12 January 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.	9464/16 17/03/2016	**Sorin GHEORGHE** 1976		Mioveni (Colibași), Rahova, Giurgiu and Jilava Prisons 13/01/2015 to 26/10/2017 2 year(s) and 9 month(s) and 14 day(s)	198 days in compensation for a total period of 1016 days spent in detention in inadequate conditions between 13/01/2015 – 24/10/2017
2.	12988/16 21/03/2016	**Florin BEȘLIU** 1974		Olt County Police Station; Craiova and Mioveni (Colibași) Prisons 27/09/2012 to 22/12/2019 More than 10 year(s) and 1 month(s) and 2 day(s)	498 days in compensation for a total period of 2,512 days spent in detention in inadequate conditions between 27/09/2012 – 22/12/2019
3.	21218/16 06/07/2016	**Gabriel NEAȚĂ** 1968		Argeș County Police Station, Mioveni (Colibași) Prison 03/09/2014 to 24/04/2018 3 year(s) and 7 month(s) and 22 day(s)	258 days in compensation for a total period of 1,309 days spent in detention in inadequate conditions between 03/09/2014 – 24/04/2018
4.	6060/17 21/07/2017	**Dumitru LUPU** 1972	Ciobotaru Ana Maria Loredana Galati	Galați Prison 10/11/2009 to 14/01/2014 and 21/03/2014 to 22/11/2017 7 year(s) and 10 month(s)	360 days in compensation for a total period of 1,800 days spent in detention in inadequate conditions between 24/07/2012 – 22/11/2017.

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
5.	18499/17 29/03/2017	**Ștefan CELMARE** 1957		Bacău County Police Station; Jilava Prison Hospital; Bacău, Focșani, Iași, Tulcea, Rahova and Vaslui Prisons 30/04/2010 to 19/07/2013 and 05/08/2013 to 11/04/2018 7 year(s) and 10 month(s)	390 days in compensation for a total period of 1,954 days spent in detention in inadequate conditions between 24/07/2012 – 11/04/2018.
6.	24134/17 20/03/2017	**Sava-Marin ROSTAȘ** 1992	Biro Vasile Rareș Satu-Mare	Cluj County Police Station; Baia Mare and Gherla Prisons 10/04/2016 to 31/10/2017 1 year(s) and 6 month(s) and 22 day(s)	108 days in compensation for a total period of 551 days spent in detention in inadequate conditions between 29/04/2016 – 31/10/2017
7.	35187/18 18/12/2018	**Cornel ILIE** 1977		Giurgiu and Rahova Prisons, Jilava and Rahova Prison Hospitals 20/05/2015 to 16/01/2020 4 year(s) and 7 month(s) and 28 day(s)	324 days in compensation for a total period of 1,624 days spent in detention in inadequate conditions between 20/05/2015 – 22/12/2019