

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

FOURTH SECTION

DECISION

Application no. 49720/16
Andrei GROSU against Romania
and 7 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 31 August 2023 as a Committee composed of:

Faris Vehabović*, President*,
Anja Seibert-Fohr,
Anne Louise Bormann*, 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 applicant,

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.

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 applications, 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 periods 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 during the periods, described in the appended table, are concerned.

In view of the above, the Court finds that these parts of the applications 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. 61086/16, 11636/17, and 15323/17, the applicants also raised other complaints under Article 3 of the Convention with regards to the conditions of detention during other periods not covered by the remedy discussed above.

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 21 September 2023.

Viktoriya Maradudina Acting Deputy Registrar	Faris Vehabović 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.	49720/16 12/09/2016	**Andrei GROSU** 1973		Galați Prison 22/11/2013 to 26/07/2019 5 year(s) and 8 month(s) and 5 day(s)	444 days in compensation for a total period of 2,260 days spent in detention in inadequate conditions between 15/10/2013 – 22/12/2019
2.	59247/16 18/11/2016	**Adrian Romeo ȘERBAN** 1982		Poarta Albă Prison; Poarta Albă Prison Hospital 17/06/2016 to 16/05/2017 11 month(s)	114 days in compensation for a total period of 597 days spent in detention in inadequate conditions between 17/06/2016 – 13/03/2018
3.	61086/16 09/01/2017	**Mihai TOMICĂ** 1989		Hunedoara County Police Station; Aiud and Deva (Bârcea Mare) Prisons 28/02/2016 to 26/08/2019 3 year(s) and 5 month(s) and 30 day(s)	240 days in compensation for a total period of 1,238 days spent in detention in inadequate conditions between 14/03/2016 – 26/08/2019
4.	10541/17 02/05/2017	**Ioan-Constantin ROIBU** 1992	Gherman Alina Miroslava	Botoșani County Police Station; Botoșani and Iași Prisons 27/02/2015 to 21/08/2018 3 year(s) and 5 month(s) and 26 day(s)	240 days in compensation for a total period of 1,229 days spent in detention in inadequate conditions between 27/02/2015 – 21/08/2018
5.	11636/17 31/03/2017	**George-Ovidiu RAPORTORU** 1990		Rahova Prison 04/01/2016 to 08/01/2020 4 year(s) and 5 day(s)	288 days in compensation for a total period of 1,449 days spent in detention in inadequate conditions between 04/01/2016 – 22/12/2019
6.	15323/17 18/04/2017	**Ciprian-Romeo IOAN** 1981		Suceava County Police Station; Botoșani and Iași Prisons 14/07/2000 to 04/04/2019 18 year(s) and 8 month(s) and 22 day(s)	426 days in compensation for a total period of 2,140 days spent in detention in inadequate conditions between 24/07/2012 – 22/12/2019
7.	15327/17 11/05/2017	**Florin FALCĂ** 1970	Ciupercescu Dragoș Bucharest	Jilava Prison 11/03/2016 to 29/11/2016 8 month(s) and 19 day(s)	378 days in compensation for a total period of 1,590 days spent in detention in inadequate conditions between 24/07/2012 – 29/11/2016

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
8.	20862/17 03/04/2017	**Cristian BADEA** 1982		Giurgiu and Jilava Prisons 15/01/2016 to 17/10/2018 2 year(s) and 9 month(s) and 3 day(s)	198 days in compensation for a total period of 1,003 days spent in detention in inadequate conditions between 15/01/2016 – 17/10/2018