

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

FOURTH SECTION

DECISION

Application no. 35307/15
Ștefan-Florin HOJDA against Romania
and 2 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 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, 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 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 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 *Rezmiveş 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 *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 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 *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).

The Court is therefore satisfied that the applicants were 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 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.

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	Facility Start and end date Duration	Domestic compensation awarded (in days) based on total period calculated by national authorities
1.	35307/15 25/08/2015	**Ștefan-Florin HOJDA** 1977	Gherla Prison 02/08/2014 to 06/12/2017 3 years and 4 months and 5 day(s)	248 days in compensation for a total period of detention spent in inadequate conditions from 15/07/2014 to 06/12/2017
2.	31917/16 14/12/2016	**Ioan ERDEI** 1968	Cluj Police County Station, Gherla and Bistrița Prisons 04/09/2015 to 14/08/2018 2 years and 11 months et 11 day(s)	216 days in compensation for a total period of detention spent in inadequate conditions from 04/09/2015 to 14/08/2018
3.	21306/17 30/03/2017	**Cosmin-Ion UDREA** 1985	Colibaşi and Drobeta-Turnu Severin Prisons 21/05/2015 to 17/07/2018 3 year(s) and 1 month(s) and 27 day(s)	216 days in compensation for a total period of detention spent in inadequate conditions from 21/05/2015 to 17/07/2018