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

FOURTH SECTION

DECISION

Application no. 57285/15
Costel IONIŢĂ against Romania
and 11 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 9 December 2021 as a Committee composed of:

Armen Harutyunyan, *President,*
Jolien Schukking,
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,

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 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 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 was insufficient.

The Court notes that in 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* (no. 61467/12 and three 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). This benefit had impacted the term of the prison sentences and had given 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 the detention facilities they complained 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

Some applicants also raised other complaints under Article 3 of the Convention.

The Court has examined these applications 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 13 January 2022.

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 domestically
1.	57285/15 30/05/2016	**Costel IONIŢĂ** 1967		Drobeta Turnu Severin, Giurgiu and Jilava Prisons 21/05/2015 to 19/10/2017 2 year(s) and 4 month(s) and 29 day(s)	372 days in compensation for a total period of detention spent in inadequate conditions between 24/07/2012-19/10/2017
2.	1472/16 17/08/2016	**Laszló KACSÓ** 1984	Vasile Rareş Biro Satu Mare	Bihor County Police and Oradea and Satu Mare Prisons 19/03/2014 to 31/10/2017 3 year(s) and 7 month(s) and 13 day(s)	252 days in compensation for a total period of detention spent in inadequate conditions from 19/03/2014 to 31/10/2017
3.	22084/16 21/06/2016	**Teodor UNGURU** 1970	Iulia Ciocan Craiova	Craiova, Rahova and Târgu Jiu Prisons 08/04/2013 to 07/11/2017 4 year(s) and 7 month(s)	378 days in compensation for a total period of detention spent in inadequate conditions from 24/07/2012 to 07/11/2017
4.	26113/16 22/06/2016	**Dumitru-Daniel BĂLAN** 1991		Codlea Prison 10/03/2015 to 19/12/2017 2 year(s) and 9 month(s) and 10 day(s)	204 days in compensation for a total period of detention spent in inadequate conditions from 10/03/2015 to 19/12/2017
5.	26661/16 10/06/2016	**Tomiță BRÎNZEA** 1969		Galați and Brăila Prisons 10/12/2013 to 30/10/2017 3 year(s) and 10 month(s) and 21 day(s)	294 days in compensation for a total period of detention spent in inadequate conditions from 21/10/2013 to 30/10/2017
6.	32011/16 04/07/2016	**Dumitru-Liviu ANDREI** 1991	Nicolae Stoica Cluj Napoca	Aiud Prison 05/02/2015 to 25/08/2016 1 year(s) and 6 month(s) and 21 day(s)	276 days in compensation for a total period of detention spent in inadequate conditions from 24/07/2012 to 08/10/2018

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 domestically
				Aiud Prison 07/09/2017 to 26/07/2018 10 month(s) and 20 day(s)	
7.	42368/16 05/08/2016	**Viorel STÎNGĂ** 1987		Galați Prison 16/02/2015 to 12/01/2018 2 year(s) and 10 month(s) and 28 day(s)	228 days in compensation for a total period of detention spent in inadequate conditions from 15/01/2015 to 28/02/2018
8.	55424/16 03/11/2016	**Florentin BADEA** 1975		Târgu-Jiu Prison 04/12/2014 to 28/12/2016 2 year(s) and 25 day(s)	144 days in compensation for a total period of detention spent in inadequate conditions from 04/12/2014 to 28/12/2016
9.	192/17 23/12/2016	**Antonio DI MUCCIO** 1971	Dumitra Veronica Mușat Bucharest	Bucharest Detention and Preventive Arrest Centres no. 1 and no. 7 and Rahova Prison 04/02/2016 to 13/06/2016 4 month(s) and 10 day(s)	90 days in compensation for a total period of detention spent in inadequate conditions from 03/02/2016 to 13/06/2016 and from 20/02/2019 to 22/12/2019
10.	15398/17 19/04/2017	**Nicolae ANGHEL** 1971	Dumitra Veronica Mușat Bucharest	Jilava Prison 23/02/2016 to 25/10/2016 8 month(s) and 3 day(s)	48 days in compensation for a total period of detention spent in inadequate conditions from 23/02/2016 to 25/10/2016
11.	40571/17 23/05/2017	**Dan-Adrian DIEA** 1989	Andreea-Gabriela Cadar Galați	Galați Prison 22/11/2016 to 20/01/2017 1 month(s) and 30 day(s) Galați Prison 21/02/2017 to 14/03/2017 22 day(s) Galați Prison	72 days in compensation for a total period of detention spent in inadequate conditions in the following periods: 22/03 - 08/07/2016, 07/10-15/11/2016, 22/11/2016 - 14/03/2017, 07-14/04/2017 and 28/11/2017 – 02/01/2018

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 domestically
				07/04/2017 to 14/04/2017 8 day(s)	
12.	48321/17 30/06/2017	**Constantin COLȚEA** 1972	Andreea-Gabriela Cadar Galați	Tulcea Prison 22/12/2014 to 12/03/2015 2 month(s) and 19 day(s) Tulcea and Poarta Albă Prisons 19/03/2015 to 04/06/2015 2 month(s) and 17 day(s) Poarta Albă Prison 11/06/2015 to 30/06/2015 19 day(s) Poarta Albă Prison 07/07/2015 to 10/07/2017 2 year(s) and 4 day(s) Poarta Albă Prison 18/07/2017 to 07/08/2017 21 day(s) Poarta Albă Prison 10/10/2017 to 26/04/2018 6 month(s) and 17 day(s)	288 days in compensation for a total period of detention spent in inadequate conditions in the from 23/01/2014 to 26/04/2018, except for short periods of time spent in prison hospitals