

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

FOURTH SECTION

DECISION

Applications nos. 47094/16 and 29992/17
Petru-Teodor LĂCĂTUŞ against Romania
and Vasile LUNCAN against Romania
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 1 February 2024 as a Committee composed of:

Anja Seibert-Fohr*, President*,
Anne Louise Bormann,
Sebastian Răduleţu*, 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 above-mentioned decision *Dîrjan and Ştefan*, awarded compensation, through the reduction of days, to the applicants for 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 were afforded adequate redress and can no longer claim to be victims of a violation of their rights under Article 3 of the Convention.

In view of the above, the Court finds 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 22 February 2024.

Viktoriya Maradudina Acting Deputy Registrar	Anja Seibert-Fohr 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.	47094/16 19/12/2016	**Petru-Teodor LĂCĂTUŞ** 1987	Vasile Rareş Biro Satu Mare	Rahova, Oradea and Satu Mare Prisons 23/10/2014 to 07/06/2017 2 year(s) and 7 month(s) and 16 day(s)	Based on the documents submitted by the Government, the applicant benefitted from a 186-day reduction of his sentence, by virtue of Law no. 169/2017, as compensation for periods spent in conditions of detention which breached Art. 3, including the one mentioned in column no. 5.
2.	29992/17 11/04/2017	**Vasile LUCAN** 1994	Alina Gherman Miroslava	Bacău, Botoşani and Iaşi Prisons 10/01/2014 to 19/10/2017 3 year(s) and 9 month(s) and 10 day(s)	Based on the documents submitted by the Government, the applicant benefitted from a 270-day reduction of his sentence, by virtue of Law no. 169/2017, as compensation for periods spent in conditions of detention which breached Art. 3, including the one mentioned in column no. 5.