

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

FOURTH SECTION

DECISION

Application no. 32298/16
Aurel MÎNDRILĂ against Romania
and 8 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 15 June 2023 as a Committee composed of:

Tim Eicke*, President*,
Branko Lubarda,
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.

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. 57501/16, 23800/17, 20345/18 and 54745/18 the applicants also raised other complaints under Article 3 of the Convention.

The Court has examined these complaints 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 6 July 2023.

Viktoriya Maradudina	Tim Eicke
Acting Deputy Registrar	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.	32298/16 25/05/2016	**Aurel MÎNDRILĂ** 1978		Craiova and Iași Prisons 01/09/2012 to 29/09/2016 4 year(s) and 29 day(s)	270 days in compensation for a total period of 1,357 days spent in detention in inadequate conditions between 01/09/2012 and 29/09/2016
2.	57501/16 23/09/2016	**Iliana-Emiliana MIHAI** 1967	Constanta Vișan Galați	Bucharest Central Arrest; Târgşor Prison; Jilava Prison Hospital 31/03/2015 to 01/11/2017 2 year(s) and 7 month(s) and 2 day(s)	180 days in compensation for a total period of 913 days spent in detention in inadequate conditions between 09/04/2015-16/04/2015, 30/04/2015-18/06/2015, 26/06/2015-25/02/2016 and 04/03/2016-01/11/2017
3.	23800/17 20/03/2017	**Dorel ROGOZAN** 1962	Vasile Rareş Biro Satu Mare	Cluj County Police Station, Gherla, Arad and Baia Mare Prisons 17/02/2010 to 29/04/2015 and 13/05/2015 to 24/10/2018 8 year(s) and 7 month(s)	294 days in compensation for a total period of 1,481 days spent in detention in inadequate conditions between 24/07/2012 and 24/10/2018
4.	35188/17 06/05/2017	**Daniel-Nicolae LUPUȚ** 1989	Vasile Rareş Biro Satu Mare	Satu Mare Prison 18/02/2016 to 07/11/2016 8 month(s) and 21 day(s)	168 days in compensation for a total period of 846 days spent in detention in inadequate conditions including the period between 18/02/2016 and 07/11/2016
5.	35766/17 04/05/2017	**Gigi-Claudiu TOMA** 1974		Dolj County Police Station; Craiova, Drobeta-Turnu Severin - Vânjulet and Rahova Prisons 15/05/2014 to 24/10/2017	246 days in compensation for a total period of 1,251 days spent in detention in inadequate conditions between

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
				3 year(s) and 5 month(s) and 10 day(s)	15/05/2014 and 24/10/2017
6.	38000/17 21/07/2017	**Ionuț DOROBANȚU** 1978		Rahova, Jilava and Ploiești Prisons 21/10/2016 to 21/10/2017 1 year(s) and 1 day(s)	72 days in compensation for a total period of 366 days spent in detention in inadequate conditions between 21/10/2016 and 21/10/2017
7.	48906/17 29/09/2017	**Tudor POPA** 1973		Galați Prison 05/05/2016 to 23/12/2019 3 year(s) and 7 month(s) and 19 day(s)	240 days in compensation for a total period of 1,213 days spent in detention in inadequate conditions between 05/05/2016 and 23/12/2019
8.	20345/18 17/04/2018	**Viorel-Dănuț GÎNGA** 1977		Botoșani and Iași Prisons 05/05/2017 to 29/08/2017 and 21/10/2017 to 28/11/2017 and 23/12/2017 to 30/03/2018 and 21/04/2018 to 03/05/2019 1 year(s) and 8 month(s)	108 days in compensation for a total period of 563 days spent in detention in inadequate conditions between 21/10/2017-28/11/2017, 23/12/2017-30/03/2018 and 21/04/2018-03/05/2019
9.	54745/18 12/11/2018	**Vasile-Urizan ROSTAȘ** 1982		Bucharest Central Arrest, Rahova, Iași, Botoșani, Găești Prisons Rahova Prison Hospital, Târgu-Ocna Prison Hospital 12/04/2013 to 16/05/2018 5 year(s) and 1 month(s) and 5 day(s)	336 days in compensation for a total period of 1,708 days spent in detention in inadequate conditions between 12/04/2013 to 16/05/2018 (with the exception of the periods spent in prison hospitals),