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

FOURTH SECTION

DECISION

Application no. 58303/16
Robert-Constantin NONU
against Romania

The European Court of Human Rights (Fourth Section), sitting on 18 April 2024 as a Committee composed of:

Branko Lubarda*, President*,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 10 January 2017,

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 applicant's details are set out in the appended table.

The applicant's complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Romanian Government ("the Government").

THE LAW

A. Complaints under Article 3 of the Convention (inadequate conditions of detention)

The applicant complained principally of the inadequate conditions of his detention. He relied on Article 3 of the Convention.

The Government argued mainly that the applicant had lost his victim status because he 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 applicant had not argued that the compensation awarded to him 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 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 application, 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 applicant in the present application and, indeed, he benefitted from it. Thus, the domestic authorities, applying the provisions laid down in the abovementioned decision *Dîrjan and Ştefan*, awarded compensation, through the reduction of days, to the applicant for the periods of detention spent in inadequate conditions of which he complained (for further details see the appended table). Furthermore, the applicant was transferred to a detention facility he is not complaining about.

The Court is therefore satisfied that the applicant had been afforded adequate redress and can no longer claim to be victim of a violation of his rights under Article 3 of the Convention, insofar as the conditions of his detention during the period, described in the appended table, are concerned. In view of the above, the Court finds that this part of the application is 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.

B. Remaining complaints

The applicant also raised other complaints under Article 3 of the Convention with regards to the conditions of detention during other periods.

The Court has examined the application 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 application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 16 May 2024.

Viktoriya Maradudina Acting Deputy Registrar	Branko Lubarda President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention)

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
58303/16 10/01/2017	**Robert-Constantin NONU** 1990	Aiud Prison 25/03/2016 to 20/04/2018 2 year(s) and 27 day(s)	378 - days in compensation for a total period of 1,909 days spent in detention in inadequate conditions between 01/07/2014-22/12/2019, including those mentioned in the previous column.