

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

FOURTH SECTION

DECISION

Application no. 36830/15
David SAVU against Romania
and 11 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 1 July 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 a recent 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 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). Furthermore, the applicants were released from prison or were transferred to detention facilities they did not complain 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

In applications nos. 36830/15 and 39090/16 the applicants also raised complaints under Article 3 of the Convention in relation to a period of detention preceding the detention period specified in the appended table.

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, they do not meet the admissibility criteria set out in Article 35 § 1 of the Convention as they were lodged outside the six-month time-limit.

It follows that this part of applications nos. 36830/15 and 39090/16 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 22 July 2021.

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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.	36830/15 09/03/2016	**David SAVU** 1973		Miercurea Ciuc, Gherla, Aiud and Codlea Prisons 09/03/2015 to 12/12/2019 4 years and 9 months and 4 days	492 days in compensation for a total period of detention spent in inadequate conditions from 24/07/2012 to 19/12/2019
2.	58622/15 25/01/2016	**Ciprian-Gabriel GANEA** 1988		Codlea, Miercurea Ciuc and Mărgineni Prisons 17/02/2015 to 25/01/2019 3 years and 11 months and 13 days	228 days in compensation for a total period of detention spent in inadequate conditions from 17/02/2015 to 25/01/2019
3.	24405/16 07/09/2016	**Costel-Florin APETREI** 1980		Bacău County Police and Bacău, Iași and Vaslui Prisons 14/11/2013 to 22/08/2016 2 years and 9 months and 9 days	270 days in compensation for a total period of detention spent in inadequate conditions from 14/11/2013 to 17/01/2018
4.	28461/16 06/06/2016	**Vasile NEDELUȘ** 1968		Mioveni Prison 12/12/2014 to 25/10/2019 4 years and 10 months and 14 days	360 days in compensation for a total period of detention spent in inadequate conditions from 12/12/2014 to 28/11/2019
5.	31902/16 28/06/2016	**Constantin GĂLUȘCĂ** 1956		Bacău Police and Bacău and Iași Prisons 19/07/2015 to 08/09/2017 2 years and 1 month and 21 days	234 days in compensation for a total period of detention spent in inadequate conditions from 19/07/2015 to 10/06/2019
6.	38841/16 07/12/2016	**Andrei-Florinel TARCAN** 1991	Irina Maria Peter Bucharest	Rahova Prison 27/10/2015 to 27/03/2018 2 years and 5 months and 1 day	294 days in compensation for a total period of detention spent in inadequate conditions from 12/08/2015 to 24/11/2019
7.	39090/16 24/08/2016	**Ioan-Petru GLIGOR** 1981	Irina Maria Peter Bucharest	Aiud and Timișoara Prisons 22/05/2015 to 20/09/2019	474 days in compensation for a total period of detention spent in inadequate conditions from

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
				4 years and 3 months and 30 days	24/07/2012 to 06/12/2019
8.	39620/16 08/11/2016	**Alexandru Marian VĂDUVA** 1987	Irina Maria Peter Bucharest	Bucharest Police and Rahova, Giurgiu and Jilava Prisons 13/07/2013 to 01/02/2018 4 years and 6 months and 20 days	336 days in compensation for a total period of detention spent in inadequate conditions from 13/07/2013 to 13/03/2018
9.	44484/16 26/07/2016	**Petru-Marian FLUERAȘ** 1981	Ionela Mărgărit Bucharest	Brăila and Galați Prisons 17/06/2014 to 27/09/2016 2 years and 3 months and 11 days Brăila and Galați Prisons 02/06/2017 to 13/02/2018 8 months and 12 days	222 days in compensation for a total period of detention spent in inadequate conditions from 27/05/2014 to 27/09/2016 and 02/06/2017 to 20/02/2018
10.	51397/16 21/09/2016	**Costel PATRAȘCU** 1987	Ionela Mărgărit Bucharest	Galați Police and Galați and Brăila Prisons 23/07/2013 to 07/09/2018 5 years and 1 month and 16 days	372 days in compensation for a total period of detention spent in inadequate conditions from 23/07/2013 to 10/01/2019
11.	65014/16 03/11/2016	**Sergiu BOTISAN** 1989	Vasile Rareș Biro Satu Mare	Maramureș County Police and Gherla and Baia Mare Prisons 27/04/2015 to 13/03/2018 2 years and 10 months and 15 days	228 days in compensation for a total period of detention spent in inadequate conditions from 27/04/2015 to 26/06/2018
12.	69416/16 29/12/2016	**Arun VARGA** 1978		Baia Mare Prison 29/01/2016 to 28/08/2017 1 year and 7 months Baia Mare Prison 21/03/2018 to 17/10/2018 6 months and 27 days	156 days in compensation for a total period of detention spent in inadequate conditions from 29/01/2016 to 28/08/2017 and 21/03/2018 to 17/10/2018