

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

FOURTH SECTION

DECISION

Application no. 8555/22
Ovidiu-Gabriel ŢARCĂ against Romania
and 18 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 26 March 2026 as a Committee composed of:

Anne Louise Bormann*, President*,
Sebastian Răduleţu,
András Jakab*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") 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)

Having examined all the material before it, the Court considers that for the reasons stated below, the present applications are inadmissible.

The applicants complained principally of the inadequate conditions of their detention. They relied on Article 3 of the Convention.

The Government argued that the applicants had failed to exhaust the available effective remedies for the complaints about the inadequate conditions of their detention, as the action in tort had become an effective remedy for grievances similar to those of the applicants, allowing them to have the violation of the Convention acknowledged, either explicitly or in substance, and to receive adequate and sufficient compensation at domestic level. The Government expressly referred to *Vlad v. Romania* (dec.), no. 122/17, 15 November 2022, either directly in their observations or by a subsequent letter, and invited the Court to declare the cases inadmissible.

The Court recalls that in *Polgar v. Romania*, no. 39412/19, §§ 94-96, 20 July 2021, it held that an action in tort, based on Articles 1349 and 1357 of the Romanian Civil Code, as interpreted consistently by the national courts, had represented since 13 January 2021 an effective remedy for individuals who considered that they had been subjected to inadequate conditions of detention, and who were no longer being held in conditions that were allegedly contrary to the Convention. Subsequently, in *Vlad*, cited above, §§ 24-32, the Court considered it appropriate to apply an exception to the general principle that the effectiveness of a given remedy was to be assessed with reference to the date on which the application was lodged.

For all the above reasons and in the light of all the material in its possession, since the applicants ceased to be held in conditions of detention that were allegedly contrary to the Convention after the moment when the tort action had been considered as representing an effective remedy (see, *mutatis mutandis*, *Polgar*, § 96 and *Vlad*, § 23, both cited above; see the appended table for further details), but did not inform the Court of having brought such an action before the domestic courts, their applications must be dismissed for failure to exhaust domestic remedies.

The Government also argued that applications nos. 22272/22, 27742/22, 34435/22, 39364/22 and 51412/22 must be rejected in part as incompatible *ratione personae* with the provisions of the Convention, because the applicants lost their victim status as they had already benefitted from the remedy introduced by Law no. 169/2017 amending and completing Law no. 254/2013 on the execution of sentences.

Since it has already upheld the Government's objection on the non-exhaustion of domestic remedies, the Court does not consider it necessary to examine further the question of incompatibility *ratione personae* with the provisions of the Convention.

In the light of the foregoing, the Court considers that these applications must be dismissed on the ground that domestic remedies had not been exhausted, pursuant to Article 35 §§ 1 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 16 April 2026.

Viktoriya Maradudina Acting Deputy Registrar	Anne Louise Bormann 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
1.	8555/22 03/03/2022	**Ovidiu-Gabriel ŢARCĂ** 1986		Iași, Botoșani and Vaslui Prisons 18/11/2021 to 17/08/2023 1 year(s) and 9 month(s)
2.	12312/22 23/03/2022	**Ionuţ HURJUI** 1997		Tichilești Police Station, Vaslui, Focșani, Tulcea and Giurgiu Prisons 19/12/2019 to 05/06/2022 2 year(s) and 5 month(s) and 18 day(s)
3.	12714/22 03/01/2023	**Alin-Costel LINGURAR** 1995		Gherla and Bistrița Prisons 23/12/2019 to 18/04/2025 5 year(s) and 3 month(s) and 27 day(s)
4.	22272/22 21/04/2022	**Grigore BOTA** 1958		Baia Mare County Police Station, Baia Mare, Aiud, Gherla, Arad, Bucharest-Jilava and Craiova Prisons 23/08/2000 to 05/04/2024 23 year(s) and 7 month(s) and 14 day(s)
5.	25150/22 10/05/2022	**Cristian-Daniel COSTEA** 1979	Doseanu Răzvan-Viorel Oradea	Arad and Timișoara Prisons 15/03/2021 to 28/03/2023 2 year(s) and 14 day(s)
6.	27392/22 23/05/2022	**Iulian DINCĂ** 1983		Craiova, Bucharest Jilava and Târgu-Jiu prisons 26/09/2021 to 23/09/2025 3 year(s) and 11 month(s) and 29 day(s)
7.	27742/22 23/05/2022	**Constantin PRISACARIU** 1980		Botoșani, Mărgineni and Iași Prisons; Târgu Ocna and Bucharest-Jilava Prison Hospitals 05/06/2019 to 29/04/2025 5 year(s) and 10 month(s) and 25 day(s)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration
8.	29305/22 31/05/2022	**Tibor DEÁK** 1977		Miercurea Ciuc, Găești and Arad Prisons and Bucharest-Jilava Prison Hospital 07/09/2021 to 09/01/2025 3 year(s) and 4 month(s) and 3 day(s)
9.	30379/22 01/09/2022	**Paul GOCICA** 1972		Bucharest Bucharest Rahova Prison, Bucharest Jilava Prison, Satu Mare prison, Slobozia prison, Baia Mare prison, Găești prison 22/09/2021 to 28/10/2023 2 year(s) and 1 month(s) and 7 day(s)
10.	34435/22 05/08/2022	**Marian-Cătălin ZĂRNESCU** 1982	Zărnescu Ioan-Marian Râșnov	Codlea and Aiud Prisons 07/08/2019 to 09/02/2025 5 year(s) and 6 month(s) and 3 day(s)
11.	35916/22 16/08/2022	**Costache NICA** 1956		Giurgiu and Galați Prisons 14/10/2020 to 10/03/2025 4 year(s) and 4 month(s) and 25 day(s)
12.	36007/22 11/08/2022	**Petrișor STAICU** 1996		Craiova and Târgu Jiu Prisons 01/09/2020 to 13/08/2025 4 year(s) and 11 month(s) and 13 day(s)
13.	36009/22 30/09/2022	**Iosif PINCZES** 1979		Gherla and Baia-Mare Prison 14/10/2020 to 23/09/2025 4 year(s) and 11 month(s) and 10 day(s)
14.	39302/22 10/10/2022	**Daniel-Adrian STOICA** 1983		Arad, Ploiesti and Timisoara Prisons, Bucharest-Jilava Prison Hospital 13/02/2020 to 25/04/2024 4 year(s) and 2 month(s) and 13 day(s)
15.	39364/22 12/12/2022	**Petrișor RUDAC** 1966		Iași, Bucharest-Rahova, Mărgineni, Gherla, Vaslui and Botoșani Prisons; Mioveni, Bucharest-Jilava and Bucharest-Rahova Prison-Hospitals 02/12/2019 to 07/10/2025 5 year(s) and 10 month(s) and 6 day(s)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration
16.	51412/22 06/12/2022	**Cristian DUMITRU** 1985		Constanța-Poarta Albă, Bucharest-Rahova, Slobozia, Tulcea and Deva Prisons 02/07/2018 to 14/03/2023 4 year(s) and 8 month(s) and 13 day(s)
17.	51436/22 12/12/2022	**Dănuț BLIDARIU** 1977		Bucharest Rahova Prison, Bucharest Jilava Prison, Drobeta Turnu Severin Prison, Timisoara Prison, Mărgineni Prison, Giurgiu Prison, Tulcea Prison 23/05/2014 to 05/08/2025 11 year(s) and 2 month(s) and 14 day(s)
18.	55314/22 21/11/2022	**Ionuţ AVRAM** 1983		Brăila and Tulcea Prisons 01/12/2019 to 06/05/2025 5 year(s) and 5 month(s) and 6 day(s)
19.	30261/23 05/12/2023	**Vasile MARTOCEAN** 1976		Gherla, Bistrița and Baia Mare Prisons 01/04/2022 to 04/09/2025 3 year(s) and 5 month(s) and 4 day(s)