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

FOURTH SECTION

DECISION

Application no. 543/16
Gheorghiță TEIȘANU against Romania
and 4 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 5 November 2020 as a Committee composed of:

Armen Harutyunyan, *President,*
Jolien Schukking,
Ana Maria Guerra Martins, *judges,*
and Liv Tigerstedt, *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 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 pleaded that the applicants had lost their victim status due to the fact that 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 had not been sufficient.

The Court notes that, in its recent decision *Dîrjan and Ştefan v. Romania* ((dec.), nos. 14224/15 and 50977/15, 15 April 2020) the Court 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 on the term of the prison sentences and had given detainees the 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 their admissibility. 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 have been released from prison.

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. It follows 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 26 November 2020.

Liv Tigerstedt 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 Date 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.	543/16 25/03/2016	**Gheorghiță TEIȘANU** 01/07/1975	Peter Irina Maria Bucharest	Rahova and Focșani Prisons 06/02/2015 to 14/11/2017 2 years and 9 months and 9 days	198 days in compensation for a total period of detention spent in inadequate conditions between 06/02/2015 - 14/11/2017
2.	10895/16 21/03/2016	**Marius GHEORGHE** 18/09/1982		Bucharest Tribunal Arrest Centre, Jilava, Mărgineni and Ploiești Prisons 21/05/2015 to 03/11/2017 2 years and 5 months and 14 days	378 days in compensation for a total period of detention spent in inadequate conditions between 24/07/2012 - 03/11/2017
3.	11406/16 24/05/2016	**Dan POP** 12/08/1973	Biro Vasile Rareș Satu Mare	Satu Mare Prison 21/12/2015 to 17/01/2018 2 years and 28 days	192 days in compensation for a total period of detention spent in inadequate conditions between 22/10/2015 - 17/01/2018
4.	49441/16 11/08/2016	**Marian DIMA** 21/04/1972	Mărgărit Ionela Bucharest	Galați and Brăila Prisons 20/07/2015 to 07/11/2017 2 years and 3 months and 19 days	204 days in compensation for a total period of detention spent in inadequate conditions between 17/01/2015 - 07/11/2017
5.	59872/16 07/10/2016	**Costel MITACHE** 30/04/1974	Mărgărit Ionela Bucharest	Brăila and Galați Prisons 27/08/2015 to 30/05/2018 2 years and 9 months and 4 days	204 days in compensation for a total period of detention spent in inadequate conditions between 31/07/2015 - 30/05/2018