

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

FOURTH SECTION

DECISION

Application no. 7331/16
Laurențiu-Daniel TUDOREANU against Romania
and 14 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 19 May 2022 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 principally 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 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. 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

Some applicants also raised other complaints under Article 3 of the Convention.

The Court has examined these applications 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 9 June 2022.

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.	7331/16 27/07/2016	**Laurențiu-Daniel TUDOREANU** 1973		Iași, Giurgiu and Vaslui Prisons 29/05/2015 to 02/02/2018 2 year(s) and 8 month(s) and 5 day(s) Vaslui Prison 16/02/2018 to 05/04/2018 1 month(s) and 21 day(s)	516 days in compensation for a total period of 2,607 days spent in detention in inadequate conditions from 24/07/2012 to 22/12/2019, including all the periods spent in Iași, Giurgiu and Vaslui Prisons lodged within the six-month time-limit
2.	15489/16 09/09/2016	**Petronel BUDEANU** 1975		Iași Prison 17/04/2015 to 24/04/2015 8 day(s) Iași Prison 30/04/2015 to 12/12/2017 2 year(s) and 7 month(s) and 13 day(s) Iași Prison 22/12/2017 to 11/01/2019 1 year(s) and 21 day(s) Iași Prison 16/10/2019 to 30/10/2019	360 days in compensation for a total period of 1,803 days spent in detention in inadequate conditions from 10/07/2014 to 22/12/2019, including all the periods spent in Iași Prison lodged within the six-month time-limit

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
				15 day(s)	
3.	17861/16 05/09/2016	**Otto-Andrei BOROS** 1988	Vasile Rareș Biro Satu Mare	Satu Mare County Police Station; Satu Mare, Oradea and Baia Mare Prisons 11/02/2015 to 31/10/2016 1 year(s) and 8 month(s) and 21 day(s) Baia Mare, Satu Mare and Oradea Prisons 11/11/2016 to 12/07/2017 8 month(s) and 2 day(s) Satu Mare Prison 17/04/2018 to 23/08/2018 4 month(s) and 7 day(s) Satu Mare Prison 11/09/2018 to 15/01/2019 4 month(s) and 5 day(s)	384 days in compensation for a total period of 1,661 days spent in detention in inadequate conditions from 11/02/2015 to 12/07/2017 and from 17/04/2018 to 15/01/2019, including all the periods spent in the detention facilities he complains of
4.	19343/16 20/09/2016	**Ștefan-Gheorghe MARIN** 1987		Bucharest - Rahova Prison 21/05/2013 to 07/01/2014 7 month(s) and 18 day(s) Bucharest - Rahova and Mioveni (Colibași) Prisons 10/01/2014 to 11/05/2015 1 year(s) and 4 month(s) and 2 day(s) Bucharest - Rahova and Mioveni (Colibași) Prisons 03/06/2015 to 09/10/2015	336 days in compensation for a total period of 1,686 days spent in detention in inadequate conditions from 20/04/2013 to 23/06/2018, except for periods spent in infirmary or prison hospitals

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 month(s) and 7 day(s) Mioveni (Colibași) and Bucharest - Rahova Prisons 15/10/2015 to 09/11/2015 26 day(s) Bucharest - Rahova and Bucharest - Jilava Prisons 12/11/2015 to 23/06/2018 2 year(s) and 7 month(s) and 12 day(s)	
5.	27804/16 03/11/2016	**Lucian BOZÎNTAN** 1992	Vasile Rareș Biro Satu Mare	Satu Mare Prison 08/04/2016 to 31/10/2017 1 year(s) and 6 month(s) and 24 day(s)	216 days in compensation for a total period of 1,088 days spent in detention in inadequate conditions from 03/10/2014 to 31/10/2017, including all the period spent in Satu Mare Prison lodged within the six-month time-limit
6.	32012/16 08/08/2016	**Gavriel GALIU** 1976		Satu Mare County Police Station; Satu Mare, Oradea, Miercurea Ciuc and Gherla Prisons 20/12/2014 to 04/11/2015 10 month(s) and 16 day(s) Gherla, Miercurea Ciuc, Codlea and Satu Mare Prisons 02/12/2015 to 03/05/2018 2 year(s) and 5 month(s) and 2 day(s)	234 days in compensation for a total period of 1,194 days spent in detention in inadequate conditions from 20/12/2014 to 04/11/2015 and from 02/12/2015 to 03/05/2018
7.	35988/16 07/11/2016	**Marius PANFILE** 1986		Galați and Brăila Prisons 03/02/2015 to 26/10/2015 8 month(s) and 24 day(s) Brăila and Constanța - Poarta Albă Prisons 30/10/2015 to 17/09/2019 3 year(s) and 10 month(s) and 19 day(s)	510 days in compensation for a total period of 2,552 days spent in detention in inadequate conditions from 24/07/2012 to 17/09/2019, including all the periods spent in Galați, Brăila and Constanța - Poarta Albă Prisons between 03/02/2015 and 17/09/2019

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
8.	36465/16 16/06/2016	**Vasile PRICOB** 1962		Bucharest - Rahova Prison 28/10/2015 to 12/11/2015 16 day(s) Bucharest - Rahova, Giurgiu and Bucharest - Jilava Prisons 19/11/2015 to 26/07/2018 2 year(s) and 8 month(s) and 8 day(s) Bucharest - Jilava Prison 28/08/2018 to 03/10/2018 1 month(s) and 6 day(s) Bucharest - Jilava Prison 09/11/2018 to 03/12/2018 25 day(s) Bucharest - Jilava Prison 21/12/2018 to 22/07/2019 7 month(s) and 2 day(s) Bucharest - Jilava Prison 29/07/2019 to 13/12/2019 4 month(s) and 15 day(s)	276 days in compensation for a total period of 1,388 days spent in detention in inadequate conditions from 28/10/2015 to 13/12/2019, including the periods spent in Bucharest - Rahova, Giurgiu and Bucharest - Jilava Prisons, except for the period 12/11/2015 - 19/11/2015 spent in Bucharest - Jilava Prison Hospital

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
9.	41176/16 12/08/2016	**Gheorghe MARINESCU** 1962	Andreea-Gabriela Cadar Galați	Bucharest - Jilava and Bucharest - Rahova Prisons 27/11/2015 to 05/12/2016 1 year(s) and 9 day(s) Bucharest - Jilava Prison 12/12/2016 to 01/11/2017 10 month(s) and 21 day(s)	138 days in compensation for a total period of 699 days spent in detention in inadequate conditions from 27/11/2015 to 01/11/2017, except for the period 05/12/2016 - 12/12/2016 spent in Mioveni Prison Hospital, of which he did not complain
10.	46474/16 26/08/2016	**George-Alin CONSTANTIN** 1973		Mărgineni, Bucharest - Rahova, Oradea, Bucharest - Jilava, Ploiești and Găești Prisons 24/09/2012 to 20/12/2017 5 year(s) and 2 month(s) and 27 day(s)	378 days in compensation for a total period of 1,902 days spent in detention in inadequate conditions from 24/09/2012 to 20/12/2017, except for short periods spent in transit rooms
11.	48172/16 13/12/2016	**Octavian POPA** 1990		Bucharest - Rahova Prison 02/02/2016 to 01/09/2017 1 year(s) and 7 month(s) Bucharest - Rahova Prison 15/06/2018 to 26/07/2018 1 month(s) and 12 day(s) Bucharest - Rahova Prison 13/08/2018 to 27/08/2018 15 day(s) Bucharest - Rahova Prison 30/08/2018 to 19/09/2018 21 day(s)	186 days in compensation for a total period of 957 days spent in detention in inadequate conditions from 02/02/2016 to 19/09/2018, except for the period 10/10/2017 - 12/10/2017 spent in Bucharest - Jilava Prison Hospital, of which he did not complain

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
12.	49447/16 11/08/2016	**Zoro TAGARICIU** 1991	Ionela Mărgărit Bucharest	Galați and Brăila Prisons 11/08/2015 to 10/01/2018 2 year(s) and 5 month(s)	216 days in compensation for the total period of detention spent in inadequate conditions from 20/05/2014 to 20/11/2014 and from 30/06/2015 to 10/01/2018, including all the periods spent in Galați and Brăila Prisons during this time
13.	54365/16 11/10/2016	**Petre BARBU** 1991		Drobeta-Turnu Severin and Timișoara Prisons 03/04/2015 to 19/10/2017 2 year(s) and 6 month(s) and 17 day(s)	180 days in compensation for a total period of 928 days spent in detention in inadequate conditions from 03/04/2015 to 19/10/2017
14.	2522/17 29/12/2016	**Marian BĂLĂUCĂ** 1986	George Bogdan Pocovnicu Bacău	Bucharest - Rahova and Iași Prisons 05/11/2014 to 30/12/2016 2 year(s) and 1 month(s) and 26 day(s) Iași Prison 09/01/2019 to 12/04/2019 3 month(s) and 4 day(s)	360 days in compensation for a total period of 1,823 days spent in detention in inadequate conditions from 05/11/2014 to 10/12/2019, including the periods spent in Bucharest - Rahova and Iași Prisons indicated in column no. 5, except for the periods 21/09/2018 - 26/09/2018 and 12/04/2019 - 15/04/2019 spent in transit rooms of Iași Prison
15.	15385/19 06/03/2019	**Vasile CORNEA** 1982		Târgu Jiu Prison 20/09/2018 to 16/05/2019 7 month(s) and 27 day(s)	90 days in compensation for a total period of 457 days spent in detention in inadequate conditions from 20/09/2018 to 22/12/2019, including all the period spent in Târgu Jiu Prison