

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

FOURTH SECTION

DECISION

Application no. 20488/17
Florin VLAD against Romania
and 19 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 in 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. 20659/21, 21664/21, 27604/21, 31313/21, 35864/21, 39967/21, 40416/21, 42835/21, 51571/21, 53673/21, 61184/21, 33/22 and 1099/22 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.	20488/17 13/04/2017	**Florin VLAD** 1987		Bucharest County Police Station No. 5; Jilava Prison Hospital; Rahova, Giurgiu, Tulcea and Constanța Poarta Albă Prisons 15/12/2008 to 23/07/2012 3 year(s) and 7 month(s) and 9 day(s) Rahova, Giurgiu, Tulcea and Constanța Poarta Albă Prisons 23/12/2019 to 13/04/2025 5 year(s) and 3 month(s) and 22 day(s)
2.	12934/21 29/03/2021	**Gigel BARBU** 1972		Giurgiu and Satu Mare Prisons 04/02/2021 to 04/06/2024 3 year(s) and 4 month(s) and 1 day(s)
3.	20659/21 16/08/2021	**Marcel MARCU** 1990		Iași Police Arrest; Bacău, Iași, Bucharest-Rahova, Botoșani, Vaslui, Arad, Aiud Prisons; Bucharest-Rahova Hospital 01/03/2010 to 12/10/2025 15 year(s) and 7 month(s) and 12 day(s)
4.	21664/21 04/06/2021	**Nicolae-Ionuț NEAGU** 1996		Codlea, Miercurea Ciuc and Aiud Prisons 28/04/2019 to 21/06/2025 6 year(s) and 1 month(s) and 25 day(s)
5.	27604/21 19/07/2021	**Ionel ZAMFIRACHE** 1973		Bistrița, Iași and Craiova Prisons 14/01/2019 to 11/02/2025 6 year(s) and 29 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
6.	31313/21 06/12/2021	**György BODÓ** 1984		Miercurea-Ciuc, Codlea, Poarta Albă, Gherla, Aiud and Oradea Prisons 06/12/2017 to 14/01/2026 8 year(s) and 1 month(s) and 9 day(s)
7.	35009/21 29/07/2021	**Mihai-Gabriel POPA** 1983		Iași, Botoșani, Brăila and Giurgiu Prisons 20/12/2019 to 13/06/2023 3 year(s) and 5 month(s) and 25 day(s)
8.	35864/21 30/06/2021	**Florin MOLDOVAN** 1974		Dej Prison Hospital; Bistrița, Târgu-Mureș, Aiud, Deva, Gherla, Bistrița, Colibași Prisons 09/09/2014 to 13/06/2024 9 year(s) and 9 month(s) and 5 day(s)
9.	39967/21 07/04/2022	**Dan PERJU** 1961		Găești,Tulcea and Focșani Prisons 16/04/2018 to 30/07/2024 6 year(s) and 3 month(s) and 15 day(s)
10.	40416/21 18/01/2022	**Domițian DRAGOTĂ** 1985		Bistrița-Năsăud County Police Station; Bistrița, Gherla and Bucharest-Jilava Prisons; Bucharest-Jilava and Dej Prison Hospitals 21/08/2015 to 05/12/2023 8 year(s) and 3 month(s) and 15 day(s)
11.	42285/21 06/08/2021	**Ermin Ionuț VASILE** 1978		Mioveni Prison and Bucharest-Rahova Prison Hospital 09/02/2021 to 17/08/2022 1 year(s) and 6 month(s) and 9 day(s)
12.	42835/21 11/10/2021	**Alin-Petru GRUMEZA** 1991		Botoșani County Police Station; Botoșani, Galați, Giurgiu Prisons; Târgu Ocna Prison Hospital 20/03/2019 to 05/02/2022 2 year(s) and 10 month(s) and 17 day(s)
13.	44888/21 07/12/2021	**Sorin-Mihai FERARU** 1989		Iași County Police Station; Iași, Botoșani, Tulcea and Găești Prisons 23/12/2019 to 05/06/2025 5 year(s) and 5 month(s) and 14 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
14.	51571/21 18/11/2021	**Rareș-Viorel CARAMAN** 1997		Codlea and Aiud Prisons; Dej Prison Hospital 14/06/2019 to 03/08/2023 4 year(s) and 1 month(s) and 21 day(s)
15.	53673/21 20/01/2022	**Bogdan MIHALCEA** 1983		Brăila, Galați and Rahova Prisons 27/09/2019 to 11/09/2023 3 year(s) and 11 month(s) and 16 day(s)
16.	61184/21 10/02/2022	**Ion FLOREA** 1981		Rahova, Jilava and Ploiești Prisons 26/09/2019 to 17/09/2025 5 year(s) and 11 month(s) and 23 day(s)
17.	33/22 12/09/2022	**Gheorghe MIHAI** 1985		Olt County Police Station; Craiova, Pelendava, Târgu Jiu and Drobeta-Turnu Severin Prisons 05/11/2019 to 04/11/2024 5 year(s)
18.	446/22 25/01/2022	**Marian-Cristian GHEORGHE** 1998		Bucharest-Rahova Prison; Bucharest-Jilava and Târgu Ocna Prison Hospitals 30/09/2020 to 18/11/2025 5 year(s) and 1 month(s) and 20 day(s)
19.	1099/22 28/01/2022	**Ion CAUC** 1958		Craiova, Mioveni, Bucharest-Jilava, Giurgiu, Bucharest-Rahova, Arad, Drobeta-Turnu Severin, Craiova-Pelendava and Târgu Jiu Prisons and Dej Prison Hospital 25/10/2007 to 17/10/2024 16 year(s) and 11 month(s) and 23 day(s)
20.	1851/22 08/03/2022	**Ionel BĂDĂNOIU** 1987	Negreanu Ion Romeo Craiova	Craiova-Pelendava Prison 18/01/2020 to 29/02/2024 4 year(s) and 1 month(s) and 12 day(s)