



Judgments of 16 May 2017

The European Court of Human Rights has today notified in writing 11 judgments¹:

four Chamber judgments are summarised below;

seven Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments in French are indicated with an asterisk ().*

Sylla and Nollomont v. Belgium (applications nos. 37768/13 and 36467/14)*

The applicants are M. Sylla, a Malian and Guinean national, and S. Nollomont, a Belgian national. The case concerned their conditions of detention in Forest and Lantin Prisons.

Mr Sylla was detained in the D wing of Forest Prison. From 5 November 2012 to 24 January 2013 he shared a cell measuring 9 sq. m with two other inmates. Access to the recreation yard was limited to one hour a day, and no other activities took place outside the cell. Access to the showers was restricted to twice a week and clothing, sheets and towels were changed every three weeks.

Mr Nollomont is currently detained in Lantin Prison, in a cell measuring 8.8 sq. m which he shares with one other prisoner. Access to the recreation yard is limited to two one-hour periods per day, and no other communal activities are arranged. The toilets are located in the cell and are separated only by a wooden partition. The showers can be accessed twice a week and clothing, sheets and towels are changed once a month. Inmates are permitted to smoke in the cells, which are not fitted with smoke alarms.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, the applicants complained about their conditions of detention.

Violation of Article 3 – as regards the period in which Mr Sylla disposed of less than 3 sq. m of personal space

Violation of Article 3 – as regards the period in which Mr Nollomont was detained in conditions contrary to this provision

Just satisfaction: 3,500 euros (EUR) to Mr Sylla and EUR 11,500 to Mr Nollomont for non-pecuniary damage and EUR 800 to Mr Sylla and EUR 560 to Mr Nollomont for costs and expenses

Gumeniuc v. the Republic of Moldova (no. 48829/06)

The applicant, Andrei Gumeniuc, is a Moldovan national who was born in 1978 and lives in Călărăseuca (Moldova). In May 2006 a court ordered that he be arrested and detained for thirty days, because he had not paid a speeding fine of 60 Moldovan lei (about four euros). The hearing was held in the absence of the parties. Police then arrested and detained Mr Gumeniuc, but he

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

suffered a heart attack nine hours later and was taken to hospital. He recovered shortly thereafter and was released. He complained that his detention had been contrary to Article 5 § 1 (right to liberty and security) of the European Convention, because he had not been informed about the court hearing when the detention was ordered, and he had been unable to prepare for it or have a lawyer represent him.

Violation of Article 5 § 1

Just satisfaction: EUR 1,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Romanescu v. Romania (no. 78375/11)

The applicant, Marian Romanescu, is a Romanian national who was born in 1948 and lives in Bucharest. He complained of being ill-treated whilst held in illegal detention following the Romanian revolution of December 1989. At the time, Mr Romanescu was an officer of the Romanian State security forces (“Securitate”). Following the uprising, he was held in detention: first by army forces between 22 December and 23 December 1989, and then by the unit’s commander from 25 December 1989 to 2 February 1990. During this time he was subjected to ill-treatment and consequently suffered from depression. Despite a long-running criminal investigation, no individuals were ever charged in relation to the incident. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Mr Romanescu complained that there had been no effective, impartial and thorough investigation capable of leading to the punishment of those responsible for the harm he had suffered.

Violation of Article 3 (investigation)

Just satisfaction: EUR 7,500 (non-pecuniary damage)

Pakhtusov v. Russia (no. 11800/10)

The case concerned the ban on administrative detainees having family visits.

The applicant, Andrey Pakhtusov, is a Russian national who was born in 1984 and lives in Syktyvkar (Russia). He is a taxi driver and in July 2009 was found guilty of driving a vehicle after his licence had been withdrawn. Sentenced to 15 days’ administrative detention, he submitted a request to have a family visit. The head of the detention unit turned the request down, stating that family visits were not provided for by law. His complaint before the domestic courts, lodged after his release, was dismissed on similar grounds. Ultimately, in October 2009 the Supreme Court upheld the lower court’s decision, finding that Mr Pakhtusov had been denied a family visit because he had failed to provide any details about the relatives wishing to visit him.

Relying on Article 8 (right to private and family life), Mr Pakhtusov disputed the Supreme Court’s finding, alleging that the relevant domestic law had been interpreted as imposing a total ban on family visits for administrative detainees.

Violation of Article 8 – concerning the denial of a family visit during Mr Pakhtusov’s administrative detention

Just satisfaction: EUR 1,000 (non-pecuniary damage) and EUR 3 (costs and expenses)

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.