



Compensatory remedy under Romanian law provided adequate and appropriate redress for unsatisfactory prison conditions between July 2012 and December 2019

In its decision in the case of [Dîrjan and Ștefan v. Romania](#) (applications nos. 14224/15 and 50977/15) the European Court of Human Rights has unanimously declared the applications inadmissible.

The case concerned two complaints about unsatisfactory conditions of detention.

The Court noted that the applicants had both been granted a reduction of their prison sentence by way of compensation for the poor conditions of detention, pursuant to Romanian Law no. 169/2017. They had consequently benefited from early release.

The Court held, in particular, that the application of this law demonstrated, in essence, the national authorities' acknowledgment of a violation of Article 3 of the European Convention on Human Rights.

The Court also found that the compensation mechanism implemented, consisting in a reduction of sentence, was adequate and appropriate.

The two applicants could therefore no longer claim to be victims of unsatisfactory conditions of detention.

This decision is final.

Principal facts

The applicants, Ghiorghe-Marius Dîrjan and Marian-Valentin Ștefan, are Romanian nationals who were born in 1966 and 1992 respectively and live in Brasov and Bucharest (Romania).

Mr Dîrjan was held in Miercurea Ciuc prison from September 2013 to April 2015 to serve a seven-year prison sentence.

Mr Ștefan was first taken into custody on the premises of the central police station of Bucharest in November 2013. He was subsequently imprisoned successively in the prisons of Rahova (2013-2015), Colibasi (2015), Jilava (2015-2016) and Giurgiu (2016-2018) to serve a sentence of five years, four months and fifteen days.

The two applicants were granted automatic reductions in sentence in accordance with Law no. 169/2017 amending Law no. 254/2013 concerning the enforcement of sentences and custodial measures.

The law provides for a compensation mechanism consisting in the reduction of the prison sentence of prisoners found to have been held in unsatisfactory conditions.

Pursuant to that law Mr Dîrjan was granted early release on licence in November 2017.

Mr Ștefan was granted early release in April 2018, at which point his prison term was regarded as spent.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 14 April 2015.

Relying on Article 3 (prohibition of inhuman and degrading treatment) the applicants complained about the conditions of their imprisonment.

The decision was given by a Chamber of seven judges, composed as follows:

Jon Fridrik **Kjølbro** (Denmark), *President*,
Iulia Antoanella **Motoc** (Romania),
Branko **Lubarda** (Serbia),
Carlo **Ranzoni** (Liechtenstein),
Stéphanie **Mourou-Vikström** (Monaco),
Georges **Ravarani** (Luxembourg),
Péter **Paczolay** (Hungary),

and also Andrea **Tamietti**, *Section Registrar*.

Decision of the Court

Article 3

The Court first observed that Law no. 169/2017, which was in force from 19 October 2017 to 20 December 2019, amending Law no. 253/2013 on the enforcement of sentences and custodial measures, had introduced a compensatory remedy in the form of a reduction in sentence.

An evaluation commission, established by law, had been tasked with determining which prisons and/or police facilities were eligible for the compensation mechanism. The commission took into account various criteria, as laid down in Law no. 169/2017, such as the living area, the possibility of activity outside the cells, the lighting, ventilation and temperature of the cells, the use of bathrooms and guarantees of personal hygiene, as well as the condition of cell walls. The result of the analysis was then used to calculate the number of days of sentence reduction.

The Court further noted that the law had provided for an automatic reduction in sentence of six days for every 30 days of detention in poor conditions, a reduction three times greater than that which would have been compliant with its case law.

In addition, the law had had the direct effect of the early release of the prisoners.

The Court observed that, pursuant to Law no. 169/2017, the applicants had been granted reductions in their sentences of 324 days and 318 days respectively and had been released before the end of the original terms.

The national authorities had thus acknowledged, in essence, the violation of Article 3 and had provided adequate and appropriate redress. The compensation granted, which was expressly intended as redress for the breach of Article 3, had prevented the continuation of that violation.

The applicants could therefore no longer claim to be victims of unsatisfactory conditions of detention.

The Court thus declared the applications inadmissible.

The decision is available only in French.

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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.