



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

FOURTH SECTION

**CASE OF RĂDULESCU AND OTHERS v. ROMANIA**

*(Application no. 12656/14 and 11 others -  
see appended list)*

JUDGMENT

STRASBOURG

8 February 2018

*This judgment is final but it may be subject to editorial revision.*



**In the case of Rădulescu and Others v. Romania,**

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

Vincent A. De Gaetano, *President*,

Georges Ravarani,

Marko Bošnjak, *judges*,

and Liv Tiggerstedt *Acting Deputy Section Registrar*,

Having deliberated in private on 18 January 2018,

Delivers the following judgment, which was adopted on that date:

**PROCEDURE**

1. The case originated in 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.

2. The applications were communicated to the Romanian Government (“the Government”).

**THE FACTS**

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the inadequate conditions of their detention. Some applicants also raised other complaints under the provisions of the Convention.

**THE LAW****I. JOINDER OF THE APPLICATIONS**

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

**II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION**

6. The applicants complained principally of the inadequate conditions of their detention. They relied on Article 3 of the Convention, which reads as follows:

### Article 3

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

7. The Court notes that the applicants were kept in detention in poor conditions. The details of the applicants’ detention are indicated in the appended table. The Court refers to the principles established in its case-law regarding inadequate conditions of detention (see, for instance, *Muršić v. Croatia* [GC], no. 7334/13, §§ 96-101, ECHR 2016). It reiterates in particular that a serious lack of space in a prison cell weighs heavily as a factor to be taken into account for the purpose of establishing whether the detention conditions described are “degrading” from the point of view of Article 3 and may disclose a violation, both alone or taken together with other shortcomings (see *Muršić*, cited above, §§ 122 -141, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 149-159, 10 January 2012).

8. In the pilot case of *Rezmiveş and Others v. Romania*, nos. 61467/12 and 3 others, 25 April 2017, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the applicants’ conditions of detention were inadequate.

10. These complaints are therefore admissible and disclose a breach of Article 3 of the Convention.

### III. REMAINING COMPLAINTS

11. The applicants in applications nos. 25681/14, 49301/14, 76566/14, 78593/14, 509/15, 4434/15, 11299/15 also raised other complaints under Article 3 of the Convention.

12. The Court has examined the applications listed in the appended table 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.

### IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

14. Regard being had to the documents in its possession and to its case-law (see, in particular, *Rezmiveş and Others v. Romania*, cited above), the Court considers it reasonable to award the sums indicated in the appended table.

15. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

**FOR THESE REASONS, THE COURT, UNANIMOUSLY,**

1. *Decides* to join the applications;
2. *Declares* the complaints concerning the inadequate conditions of detention, as set out in the appended table, admissible, and the remainder of the applications nos. 25681/14, 49301/14, 76566/14, 78593/14, 509/15, 4434/15, 11299/15 inadmissible;
3. *Holds* that these complaints disclose a breach of Article 3 of the Convention concerning the inadequate conditions of detention;
4. *Holds*
  - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
  - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 8 February 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt  
Acting Deputy Registrar

Vincent A. De Gaetano  
President

## APPENDIX

List of applications raising complaints under Article 3 of the Convention  
(inadequate conditions of detention)

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1</sup>
1.	12656/14 31/01/2014	<b>Marius Rădulescu</b> 18/10/1963		Galați Penitentiary 23/08/2012 to 01/04/2014 1 year and 7 months and 10 days	2 m <sup>2</sup>	overcrowding, lack of or insufficient natural light, lack of fresh air	3,000
2.	25681/14 21/05/2014	<b>Marius Panțuru</b> 03/09/1975		Constanța County Police Arrest, Poarta-Albă, Rahova, Giurgiu Penitentiaries 04/11/2011 – pending More than 6 years and 3 days	1.6 - 2.8 m <sup>2</sup>	overcrowding (save for the period of 20/01 – 29/05/2014), lack of or inadequate hygienic facilities, lack of privacy for toilet, lack or inadequate furniture, mouldy or dirty cell, lack of or insufficient physical exercise in fresh air, poor quality of food, lack of food on the days the applicant attended court hearings	5,000
3.	49301/14 24/07/2014	<b>Aurel Daniel Munteanu</b> 26/03/1989		Târgu-Jiu Penitentiary 20/06/2013 – pending More than 4 years and 4 months and 18 days	0.9 - 1.8 m <sup>2</sup>	overcrowding, lack of or inadequate hygienic facilities, no or restricted access to shower, lack of or insufficient natural light, lack of fresh air, lack of or poor quality of bedding and bed linen, lack or inadequate furniture, lack of or	3,000

<sup>1</sup> Plus any tax that may be chargeable to the applicants.

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1</sup>
						insufficient physical exercise in fresh air, poor quality of food, mouldy or dirty cell, bunk beds, infestation of cell with insects/rodents, insufficient number of sleeping places (save for the period of 20/06 - 30/07/2013, 29/05/2014 - present)	
4.	76566/14 09/03/2015	<b>Adrian Pogîngeanu</b> 17/05/1986	Tonica Daniela, Huși	Focșani, Galați, Vaslui, Iași Penitentiaries 22/03/2011 – pending More than 6 years and 7 months and 16 days	1.2 - 2.4 m <sup>2</sup>	overcrowding, no or restricted access to running water, lack of or insufficient natural light, lack of or insufficient electric light, infestation of cell with insects/rodent	5,000
5.	78593/14 26/01/2015	<b>Dumitru Uima</b> 05/05/1979		Arad Penitentiary 11/06/2012 to 12/07/2016 4 years and 1 month and 2 days	3 m <sup>2</sup>	overcrowding, poor quality of food, lack of or insufficient physical exercise in fresh air, lack of or inadequate hygienic facilities, no or restricted access to warm water, lack of or poor quality of bedding and bed linen, inadequate temperature, lack of toiletries	3,000
6.	509/15 26/02/2015	<b>Eugen Gheorghe</b> 17/11/1986		Colibași Penitentiary 02/07/2014 – pending More than 3 years and 4 months and 6 days	1.7 - 2.8 m <sup>2</sup>	overcrowding, lack of or insufficient physical exercise in fresh air, lack of or inadequate hygienic facilities, no or restricted access to shower, poor quality of food, lack of or poor quality of bedding and bed linen	3,000

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) 1
7.	4434/15 16/02/2015	<b>Jozsef Zsolt Hendre</b> 31/01/1981		Satu-Mare Police Inspectorate, Satu-Mare, Oradea, Jilava, Baia Mare, Timișoara, Aiud Penitentiaries 29/06/2005 – pending More than 12 years and 4 months and 13 days	1.3 - 2.6 m <sup>2</sup>	overcrowding, mouldy or dirty cell, lack of or insufficient natural light, lack of fresh air, infestation of cell with insects/rodents, lack of or poor quality of bedding and bed linen, lack of or inadequate hygienic facilities, lack or inadequate furniture, no or restricted access to warm water, lack of or insufficient physical exercise in fresh air, insufficient number of sleeping places, inadequate temperature, lack of toiletries, no or restricted access to running water, lack of privacy for toilet, poor quality of food, bunk beds	5,000
8.	5694/15 09/03/2015	<b>Sorin George Ababei</b> 24/04/1984		Slobozia Penitentiary 20/02/2014 to 23/07/2015 1 year and 5 months and 4 days	1.6 - 2.8 m <sup>2</sup>	overcrowding, poor quality of food, lack or inadequate furniture	3,000
9.	6359/15 03/03/2015	<b>Petru-Lucian Porumb</b> 28/08/1973		Timișoara Penitentiary 19/02/2015 – pending More than 2 years and 8 months and 22 days	1.9 m <sup>2</sup>	overcrowding, infestation of cell with insects/rodents, lack of fresh air, lack of or insufficient natural light, bunk beds, lack of or poor quality of bedding and bed linen, lack or inadequate furniture, lack of toiletries, lack of or insufficient physical exercise in fresh air, poor quality of food	3,000

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1</sup>
10.	6517/15 17/02/2015	<b>Paul-Cezar Satmari</b> 05/03/1993		Cluj Police Inspectorate, Gherla, Târgu-Mureş, Bistriţa Penitentiaries 26/06/2013 – pending More than 4 years and 4 months and 15 days	1.7 - 2.4 m <sup>2</sup>	overcrowding, lack of or inadequate hygienic facilities, lack of fresh air, infestation of cell with insects/rodents	3,000
11.	11299/15 17/03/2015	<b>Ionuţ-Adrian Boboşatu</b> 31/03/1987		Jilava Penitentiary 21/03/2014 to 16/07/2016 2 years and 3 months and 26 days	1.2 - 2.3 m <sup>2</sup>	overcrowding (save for the period of 09/02/2015 - 16/07/2016), no or restricted access to warm water, lack of an adequate place to serve meals, lack of an adequate place to store goods	3,000
12.	11712/15 09/04/2015	<b>Ioan Usturoi</b> 07/01/1993		Miercurea-Ciuc Penitentiary 10/01/2014 to 16/05/2016 2 years and 4 months and 7 days	1.3 - 2.1 m <sup>2</sup>	overcrowding, lack of or insufficient natural light, lack of fresh air, lack of or inadequate hygienic facilities, no or restricted access to warm water, poor quality of food, lack or inadequate furniture, lack of or insufficient physical exercise in fresh air	3,000