



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

FOURTH SECTION

CASE OF ILIE AND OTHERS v. ROMANIA

*(Application no. 47861/14 and 14 others -
see appended list)*

JUDGMENT

STRASBOURG

29 March 2018

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

In the case of Ilie 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 8 March 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.

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 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.”

A. Admissibility

7. In application no. 49256/15, the Government raised a preliminary objection of non-compliance with the six-month time-limit with regard to the applicant’s detention in Miercurea-Ciuc Prison from 26 July 2011 to 15 April 2015.

8. The Government submitted that, after being placed in Miercurea-Ciuc Prison on 26 July 2011, the applicant was repeatedly transferred to other prison facilities of which he did not complain. They maintained that these periods interrupted the continuity of the applicant’s situation under Article 3 of the Convention.

9. Having regard to the documents submitted in this respect, the Court notes that only the period spent in Aiud Prison from 8 November 2012 to 26 April 2013 interrupts the continuity of the applicant’s situation under Article 3 of the Convention.

10. Considering that the applicant’s complaint was lodged on 8 December 2015, the Court partially accepts the Government’s objection and finds that the applicant’s complaint regarding his detention in Miercurea-Ciuc Prison from 26 July 2011 to 26 April 2013 was submitted too late. Consequently, it must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

11. The Court finds that the applicant’s remaining complaints in the aforementioned application, as well as the rest of the applications listed in the appended table, are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

B. Merits

12. 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).

13. 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.

14. 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. Having regard to its case-law on the subject, the Court considers that in the instant case the applicants' conditions of detention were inadequate.

15. These complaints therefore disclose a breach of Article 3 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. 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.”

17. Regard being had to the documents in its possession and to its case-law (see, in particular, *Rezmiveş and Others v. Romania*, nos. 61467/12 and 3 others, 25 April 2017), the Court considers it reasonable to award the sums indicated in the appended table.

18. 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 application no. 49256/15 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 29 March 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	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant /household (in euros) ¹
1.	47861/14 19/08/2014	Eduard Ilie 01/11/1979	Târgu-Jiu Prison 30/04/2013 to 16/03/2015 1 year(s) and 10 month(s) and 17 day(s)	1.1 m ²	overcrowding, insufficient number of sleeping places, lack of or poor quality of bedding and bed linen, lack of or inadequate hygienic facilities, no or restricted access to shower, no or restricted access to warm water, lack of toiletries, infestation of cell with insects/rodents, lack or inadequate furniture, poor quality of food	3,000
2.	47983/14 20/08/2014	Cristian Tănăsescu 04/07/1968 Represented by Tănăsescu Sergiu-Ionuț SLATINA	Târgu-Jiu Prison 21/07/2013 to 04/11/2014 1 year(s) and 3 month(s) and 15 day(s)	2 m ²	overcrowding, bunk beds, insufficient number of sleeping places, lack of or inadequate hygienic facilities, lack or inadequate furniture, poor quality of food, lack of or insufficient physical exercise in fresh air	3,000
3.	50488/14 13/08/2014	Constantin Lazăr 06/12/1985	Craiova Prison 15/12/2011 to 18/03/2014 2 year(s) and 3 month(s) and 4 day(s) Târgu-Jiu Prison 18/03/2014 pending More than 3 year(s) and 10 month(s)	1.45-1.7 m ² 2 m ²	overcrowding, bunk beds, lack or inadequate furniture, lack of fresh air, lack of or insufficient natural light, infestation of cell with insects/rodents overcrowding, bunk beds, insufficient number of sleeping places, lack of or poor quality of bedding and bed linen, lack of or inadequate hygienic facilities, no or restricted access to warm water, lack or inadequate furniture, poor quality of food, mouldy or dirty cell, lack of or insufficient natural	5,000

¹ Plus any tax that may be chargeable to the applicants.

No.	Application no. Date of introduction	Applicant name Date of birth	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant /household (in euros) 1
					light, constant electric light, lack of fresh air, lack of or insufficient physical exercise in fresh air, lack of or restricted access to leisure or educational activities	
4.	59260/14 23/12/2014	Florin Pătlăgică 17/04/1976	Bucharest Police Arrest, Section no. 4 06/09/2013 to 01/11/2013 1 month(s) and 27 day(s) Iași Prison 01/11/2013 to 05/08/2015 1 year(s) and 9 month(s) and 5 day(s)	0.63-2.7 m ²	lack of or poor quality of bedding and bed linen, lack of or inadequate hygienic facilities, mouldy or dirty cell, poor quality of food overcrowding, infestation of cell with insects/rodents, lack of or insufficient natural light, lack of fresh air, lack or inadequate furniture, lack of or inadequate hygienic facilities, poor quality of food	3,000
5.	61116/14 17/10/2014	Ionel-Gelu Gostăviceanu 23/08/1970	Târgu-Jiu Prison 27/06/2013 to 29/08/2014 1 year(s) and 2 month(s) and 3 day(s)	1.51-1.71 m ²	overcrowding, bunk beds, insufficient number of sleeping places, lack of or inadequate hygienic facilities, no or restricted access to warm water, lack or inadequate furniture, lack of or insufficient electric light, lack of or insufficient natural light, lack of fresh air, lack of or insufficient physical exercise in fresh air, lack of or restricted access to leisure or educational activities	3,000
6.	33943/15 01/09/2015	János Dani 09/07/1962	Aiud, Codlea, Miercurea-Ciuc, Mărgineni Prisons 17/09/2010 to 27/04/2017 6 year(s) and 7 month(s) and 11 day(s)	1.29-2.97 m ²	overcrowding, infestation of cell with insects/rodents, lack or inadequate furniture, mouldy or dirty cell, lack of or insufficient natural light, lack of or inadequate hygienic facilities, lack of fresh air	5,000
7.	44672/15 29/09/2015	Alexandru-George Oțelaș 24/01/1990	Miercurea-Ciuc Prison 26/08/2013 to 05/02/2016 2 year(s) and 5 month(s) and 11 day(s)	1.25-1.97 m ²	overcrowding, lack of or inadequate hygienic facilities, poor quality of food, lack or inadequate furniture, lack of or insufficient physical exercise in fresh air	3,000

No.	Application no. Date of introduction	Applicant name Date of birth	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant /household (in euros) 1
8.	45930/15 13/10/2015	Marian Radu 22/05/1993	Miercurea-Ciuc Prison 20/05/2014 pending More than 3 year(s) and 7 month(s) and 30 day(s)	1.25-2.03 m ²	overcrowding, lack of or insufficient natural light, lack of fresh air, lack of or inadequate furniture, lack of or inadequate hygienic facilities, poor quality of food, infestation of cell with insects/rodents, lack of or insufficient physical exercise in fresh air	3,000
9.	48281/15 16/12/2015	Viorel Truța 27/11/1967	Aiud Prison 04/06/2015 to 13/05/2016 11 month(s) and 10 day(s)	2.36-2.37 m ²	overcrowding, infestation of cell with insects/rodents, lack of fresh air, mouldy or dirty cell, poor quality of food, lack of or restricted access to leisure or educational activities	1,000
10.	49256/15 08/12/2015	Petru-Lucian Cojocaru 15/07/1976	Miercurea-Ciuc Prison 26/04/2013 to 28/12/2016 3 year(s) and 8 month(s) and 3 day(s)	1.36-2.22 m ²	overcrowding, lack of or inadequate hygienic facilities, lack of or insufficient natural light, lack of fresh air, mouldy or dirty cell, infestation of cell with insects/rodents, lack of or inadequate furniture, lack of or insufficient physical exercise in fresh air	3,000
11.	50018/15 15/12/2015	Ioan Șipoș 17/04/1962	Timișoara, Gherla, Jilava Prison Hospital, Arad prisons 30/06/2000 pending More than 17 year(s) and 6 month(s) and 21 day(s)	1.66-2.63 m ²	overcrowding, insufficient number of sleeping places, lack of fresh air, poor quality of food, infestation of cell with insects/rodents, lack of or inadequate hygienic facilities	5,000
12.	52107/15 04/12/2015	Ion Nenciu 01/01/1989	Colibași and Târgu-Jiu prisons 01/05/2012 pending More than 5 year(s) and 8 month(s) and 19 day(s)	1.2-2.74 m ²	overcrowding, lack of or insufficient natural light, lack of fresh air, lack of or inadequate hygienic facilities, constant electric light, infestation of cell with insects/rodents, mouldy or dirty cell, lack of or inadequate furniture, poor quality of food	5,000
13.	54412/15 14/12/2015	Filon Stan 29/09/1960	Arad Prison 29/10/2015 to 05/05/2016 6 month(s) and 7 day(s)	3.48-8.70 m ²	poor quality of food, infestation of cell with insects/rodents	1,000

No.	Application no. Date of introduction	Applicant name Date of birth	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant /household (in euros) 1
14.	57572/15 22/12/2015	Aurel Constantin Varga 16/06/1979	Aiud Prison 23/02/2009 to 04/04/2017 8 year(s) and 1 month(s) and 13 day(s)	2.6-2.99 m ²	overcrowding, infestation of cell with insects/rodents, lack of or insufficient natural light, lack of or inadequate hygienic facilities, lack of privacy for toilet	5,000
15.	58212/15 04/01/2016	Ştefan Luca 29/12/1986	Codlea Prison 31/03/2015 to 05/11/2015 7 month(s) and 6 day(s)	1.23-1.96 m ²	overcrowding, poor quality of food	3,000
			Miercurea-Ciuc Prison 05/11/2015 to 25/02/2016 3 month(s) and 21 day(s)	1.64-1.85 m ²	overcrowding, poor quality of food, lack or inadequate furniture, lack of or insufficient natural light, lack of or insufficient physical exercise in fresh air	
			Codlea Prison 25/02/2016 pending More than 1 year(s) and 10 month(s) and 29 day(s)	1.23-1.96 m ²	overcrowding, poor quality of food	