



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

THIRD SECTION

CASE OF DRĂGUNĂ AND OTHERS v. ROMANIA

*(Applications nos. 864/13, 17392/13, 22165/13, 47938/13, 52867/13 and
54100/13)*

JUDGMENT

STRASBOURG

21 May 2015

This judgment is final. It may be subject to editorial revision.

In the case of Drăgună and Others v. Romania,

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

Luis López Guerra, *President*,

Johannes Silvis,

Valeriu Grițco, *judges*,

and Hasan Bakırcı, *Acting Deputy Section Registrar*,

Having deliberated in private on 23 April 2015,

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

PROCEDURE

1. The case originated in six 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**THE CIRCUMSTANCES OF THE CASE**

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

4. The applicants complained about inadequate conditions of 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 join them in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

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

“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 *Kudła v. Poland* [GC], no. 30210/96, §§ 90-94, ECHR 2000-XI; *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 139-165, 10 January 2012); it recalls in particular that extreme lack of space in a prison cell or overcrowding weighs heavily as an aspect to be taken into account for the purpose of establishing whether the impugned detention conditions were “degrading” from the point of view of Article 3; it may disclose a violation, both alone or taken together with other shortcomings (see, amongst many authorities, *Karalevičius v. Lithuania*, no. 53254/99, §§ 36-40, 7 April 2005).

8. In the leading case of *Iacov Stanciu v. Romania* (no. 35972/05, §§ 116-129, 24 July 2012), the Court has 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 (see appended table for details).

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

III. REMAINING COMPLAINTS

11. Lastly, the applicants also raised other complaints under various articles of the Convention.

12. The Court has carefully 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 do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that this part of the applications is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 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 (*Iacov Stanciu*, cited above, §§ 201-203), 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 inadequate conditions of the applicants' detention set out in the appended table admissible and the remainder of the applications inadmissible;
3. *Holds* that there has been a violation 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 amount indicated in the appended table 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 21 May 2015, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı
Acting Deputy Registrar

Luis López Guerra
President

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 non-pecuniary damage (in euros per applicant)
1.	864/13 13/12/2012	ROBERT MIHAI DRĂGUNĂ 23/05/1977	Mărgineni Penitentiary 28/06/2012 to 11/09/2013 (currently detained in Ploiești Penitentiary) 1 year, 2 months, 13 days	0,42 - 2,21 m ²	Overcrowding, insufficient access to cold and warm water, insufficient access to shower, inadequate sanitary facilities, cell infested with bedbugs and lice	3,450
2.	17392/13 26/02/2013	NICULAE NEACȘU 6/03/1968	Jilava Penitentiary 5/01/2005 to 12/06/2006 Poarta Albă Penitentiary 12/06/2006 to 24 July 2006 Rahova Penitentiary 24/07/2006 to 8/04/2009 Giurgiu Penitentiary 8/04/2009 to 12/12/2011	N/A 0,96 - 1,25 m ² N/A N/A	Cells infested with rats, bedbugs and lice, inadequate toilet facilities, insufficient access to water, inadequate ventilation Overcrowding, cell infested with insects, noxae from the animal farm Inadequate ventilation, cells infested with bedbugs and lice Cells infested with bedbugs and lice, noxae from the rubbish dump situated in the front of the cell's window, lack of heating, lack of running water	19,650

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 non-pecuniary damage (in euros per applicant)
			Jilava Penitentiary 12/12/2011 to present 10 years, 2 months, 26 days	1,57-1,65 m ²	Overcrowding, insufficient access to shower	
3.	22 165/13 25/03/2013	VALERIAN NICA (SFÂRLOAGĂ) 08/10/1958	Ploiești Penitentiary 17/02/2012 to present 3 years, 1 month, 14 days	1,33-2,25 m ²	Overcrowding, inadequate sanitary facilities, worn out mattresses, insufficient access to cold water, insufficient access to shower, poor quality of food	5,000
4.	47 938/13 19/07/2013	COSTEL GHIMIȘI 14/09/1960	Târgu-Jiu Penitentiary 24/01/2013 to present 2 years, 2 months, 7 days	1,10 - 1,28 m ²	Overcrowding, inadequate ventilation, small courtyard for walking outside the cell, lack of hygienic conditions, insufficient access to warm water, cell infested with lice and bugs	5,250
5.	52 867/13 5/08/2013	SORIN CÎRSTEA 19/02/1972	Codlea Penitentiary 25/04/2013 to present 1 year, 11 months, 6 days	1,66 – 3,19 m ²	Overcrowding	4,800

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 non-pecuniary damage (in euros per applicant)
6.	54 100/13 19/08/2013	MIHAI IANĂU 08/10/1990	Oradea Penitentiary 19/03/2013 to 4/04/2013 Gherla Penitentiary 4/04/2013 to 22/04/2013 Bistrița Penitentiary 22/04/2013 to 14/05/2013 Satu-Mare Penitentiary 14/05/2013 to present 2 years, 12 days	2,07 m ² 2,09 – 3,88 m ² 1,22 m ² 1,30 – 1,56 m ²	Overcrowding, cell infested with lice and bugs, poor quality of food Overcrowding, cell infested with lice and bugs, poor quality of food Overcrowding, cell infested with lice and bugs, poor quality of food Overcrowding, cell infested with lice and bugs, poor quality of food, lack of an adequate space to walk outside the cell, insufficient access to warm water	4,950