



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

FOURTH SECTION

CASE OF MEIANU AND OTHERS v. ROMANIA

*(Application nos. 67449/14 and 19 others -
see appended list)*

JUDGMENT

STRASBOURG

3 May 2018

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

In the case of Meianu 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 12 April 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. In application no. 53018/15, the applicant 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. In applications nos. 67449/14, 50391/15 and 52233/15, the Government raised a preliminary objection of failure to comply with the six-month time-limit claiming that the parts of the applicants' complaints concerning the initial period of their detention had been lodged out of time.

8. The Court observes that the applicant's complaint in application no. 67449/14, concerning the initial period of his detention which was terminated by his transfer on 24 May 2012 to penitentiary facilities in respect of which he did not raise any complaint, was submitted to the Court more than two years later, on 14 April 2015.

9. The Court further notes that the applicant's complaint in application no. 50391/15 concerning the initial period of his detention which was terminated by his release on parole on 24 June 2014 was submitted to the Court more than one year later, on 7 December 2015.

10. Finally, the Court observes that the applicant's complaint in application no. 52233/15, about the initial period of his detention which was terminated by his transfer on 14 June 2012 to penitentiary facilities in respect of which he did not raise any complaint, was submitted to the Court more than three years later, on 9 November 2015.

11. In all three instances these parts of the applicants' complaints were thus raised more than six months after the respective detention period had ended. Accordingly, the Court accepts the Government's objection and finds that these parts of the applications nos. 67449/14, 50391/15 and 52233/15 have been introduced out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

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 leading 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 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.

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

III. REMAINING COMPLAINTS

16. In application no. 53018/15, the applicant also raised other complaints under Article 3 of the Convention.

17. The Court has examined the application 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 application must be rejected in accordance with Article 35 § 4 of the Convention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

18. 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.”

19. 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.

20. 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. 67449/14, 50391/15, 52233/15 and 53018/15 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 3 May 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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	67449/14 14/04/2015	Gheorghe Meianu 15/03/1978		Târgu-Jiu Penitentiary, Colibași Penitentiary, Craiova Penitentiary, Bistrița Penitentiary 08/11/2012 to 01/07/2015 2 year (s) and 7 month(s) and 24 day(s)	1.3- 2.6 m ²	Overcrowding, bunk beds, lack of fresh air, poor quality of food, lack of or inadequate hygienic facilities, lack or inadequate furniture, lack of or insufficient physical exercise in fresh air.	3,000
2.	40943/15 01/09/2015	Viorel Plețosu 08/03/1979		Codlea Penitentiary 06/01/2015 to 15/02/2016 1 year(s) and 1 month(s) and 10 day(s)	1.35- 2.19 m ²	Overcrowding, bunk beds, no or restricted access to warm water, lack of or insufficient physical exercise in fresh air, lack of or insufficient natural light.	3,000
3.	41695/15 02/11/2015	Gheorghe-Alin Mitran 31/03/1989	Irina Maria Peter Bucharest	Bucharest Police Section no. 4 21/11/2012 to 03/01/2013	2.71 m ²	Overcrowding, poor quality of food, lack of privacy for toilet, lack of or inadequate hygienic facilities, lack of fresh air;	5,000

¹ 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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
				1 month(s) and 14 day(s) Rahova Penitentiary 03/01/2013 to 19/12/2014 1 year(s) and 11 month(s) and 17 day(s)	1.93-2.73 m ²	Overcrowding, poor quality of food, lack of or poor quality of bedding and bed linen, no or restricted access to warm water, lack or inadequate furniture, lack of or inadequate hygienic facilities;	
				Jilava Penitentiary 19/12/2014 to 08/03/2016 1 year(s) and 2 month(s) and 19 day(s)	1.36-2.67 m ²	Overcrowding, poor quality of food, mouldy or dirty cell, inadequate temperature, lack or inadequate furniture, lack of or poor quality of bedding and bed linen, infestation of cell with insects/rodents, poor quality of potable water;	
				Rahova Penitentiary 05/04/2016 pending More than 1 year(s) and 10 month(s) and 18 day(s)	1.93-2.73 m ²	Overcrowding, lack of or poor quality of bedding and bed linen, no or restricted access to warm water, lack or inadequate furniture, lack of or inadequate hygienic facilities, poor quality of food.	

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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
4.	44640/15 30/10/2015	Rares-Matei Ciochinaru 07/08/1988		Codlea Penitentiary 03/03/2015 to 26/08/2015 5 month(s) and 24 day(s) Miercurea Ciuc Penitentiary 26/08/2015 to 28/04/2016 8 month(s) and 3 day(s) Codlea Penitentiary 28/04/2016 pending More than 1 year(s) and 9 month(s) and 26 day(s)	1.67- 1.75 m ² 0.91- 1.87 m ² 1.67- 1.75 m ²	Overcrowding, poor quality of food, lack of or insufficient physical exercise in fresh air, lack or inadequate furniture, lack of toiletries; Overcrowding, lack of fresh air, infestation of cell with insects/rodents, lack of or inadequate hygienic facilities, lack of or insufficient natural light, lack of toiletries; Overcrowding, lack of or insufficient physical exercise in fresh air, poor quality of food, lack or inadequate furniture, lack of toiletries.	3,000
5.	45251/15 18/11/2015	Grigori-Ştefan Stanciuc 05/07/1970		Miercurea Ciuc Penitentiary 23/07/2015 to 19/04/2016 8 month (s) and 28 day(s)	0.95- 2.54 m ²	Overcrowding, poor quality of food, lack or inadequate furniture, lack of or insufficient physical exercise in fresh air, no or restricted access to warm water.	1,000

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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
6.	47204/15 19/10/2015	Cristian Coteață 31/08/1979		Miercurea Ciuc Penitentiary 18/06/2015 pending More than 2 year(s) and 8 month(s) and 5 day(s)	1.34-1.75 m ²	Overcrowding (save for the period 18/06/2015 – 26/06/2015), lack or inadequate furniture, poor quality of food, lack of or insufficient natural light, lack of or insufficient physical exercise in fresh air, no or restricted access to warm water.	3,000
7.	47568/15 19/10/2015	Cristinel Dorin 22/07/1978		Miercurea Ciuc Penitentiary 31/10/2013 to 29/04/2016 2 year(s) and 5 month(s) and 30 day(s)	0.87-2.20 m ²	Overcrowding, poor quality of food, lack of or insufficient natural light, no or restricted access to warm water, lack or inadequate furniture, lack of or insufficient physical exercise in fresh air.	3,000
8.	48699/15 10/11/2015	Dănuț-Ionel Ciocănar 15/02/1991		Bucharest Police Inspectorate no. 6 27/09/2014 to 23/10/2014 27 day(s) Rahova Penitentiary 23/10/2014 to 15/05/2015 6 month(s) and 23 day(s)	2.75 m ² 2.14-2.44 m ²	Overcrowding, lack of fresh air, poor quality of food, lack of or inadequate hygienic facilities; Overcrowding (save for the period 19/12/2014-15/05/2015), bunk beds, lack of or inadequate hygienic facilities, poor quality of food, lack or inadequate furniture, poor quality of potable water, no or restricted access to shower, no or restricted access to warm water.	1,000

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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
9.	48772/15 30/10/2015	Dinu-Olimpiu Cracană 15/06/1977		Maramureş Police Arrest Centre 23/10/2012 to 25/10/2012 3 day(s) Gherla Penitentiary 25/10/2012 pending More than 5 year(s) and 3 month(s) and 30 day(s)	6.81 m ² 1.7 m ²	Lack of fresh air, lack of or inadequate hygienic facilities; Overcrowding (save for the period 15/04/2014 – 05/05/2014), poor quality of food, small courtyard, without a toilet, infestation of the cell with insects, lack of ventilation.	5,000
10.	50391/15 07/12/2015	Ion Radu 17/12/1964		Cravoiova and Drobeta-Turnu-Severin Penitentiaries 02/07/2015 pending More than 2 year(s) and 7 month(s) and 20 day(s)	0.93-2.93 m ²	Overcrowding (save for the period 02/07/2015 - 05/10/2015 in Craiova Penitentiary).	3,000
11.	50404/15 02/11/2015	Lazăr Zlate 16/02/1971	Irina Maria Peter Bucharest	Giurgiu Penitentiary 19/07/2006 to 30/06/2015 8 year(s) and 11 month(s) and 12 day(s)	2.2-2.6 m ²	Overcrowding, poor quality of food, lack of or insufficient physical exercise in fresh air, infestation of cell with insects/rodents;	5,000

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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
				Jilava Penitentiary 30/06/2015 pending More than 2 year(s) and 7 month(s) and 25 day(s)	1.6-2.5 m ²	Overcrowding, poor quality of food, infestation of cell with insects/rodents, lack of or inadequate hygienic facilities, no or restricted access to shower, lack or inadequate furniture, poor quality of potable water.	
12.	50515/15 18/11/2015	George Ferki 30/04/1971	Irina Maria Peter Bucharest	Bucharest Police Inspectorate no. 7, Rahova Penitentiary, Jilava Penitentiary Hospital, Giurgiu Penitentiary, Jilava Penitentiary, Drobeta-Turnu-Severin Penitentiary 17/03/2011 to 02/05/2017 6 year(s) and 1 month(s) and 16 day(s)	1.08-3.33 m ²	Overcrowding in Rahova Penitentiary (save for the periods 31/08/2011-21/10/2011 and 12/04/2012-03/05/2012), and in Jilava and Drobeta-Turnu-Severin Penitentiaries, bunk beds, 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 or inadequate furniture, no or restricted access to shower, lack of or insufficient physical exercise in fresh air, lack of or inadequate hygienic facilities, poor quality of potable water.	5,000
13.	50910/15 03/12/2015	Ovidiu Pene 04/06/1971		Poarta Albă Penitentiary 17/08/2015 to 07/01/2016 4 month(s) and 22 day(s)	1.41-1.82 m ²	Overcrowding, bunk beds, lack or inadequate furniture, lack of or inadequate hygienic facilities, no or restricted access to shower, infestation of cell with insects/rodents.	1,000

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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
14.	52166/15 08/11/2015	Vasile Andrei 03/04/1978		Cluj-Napoca Police Inspectorate, Gherla Penitentiary, Jilava Penitentiary Hospital, Jilava Penitentiary, Bacău Penitentiary, Neamț Police Inspectorate, Rahova Penitentiary, Iași Penitentiary, Vaslui Penitentiary 14/06/2000 pending More than 17 year(s) and 8 month(s) and 8 day(s)	0.83- 2.95 m ²	Overcrowding (save for the period 09/09/2004-08/03/2006 while housed in Rahova Penitentiary), passive smoking in Cluj County Police Inspectorate, lack of or insufficient natural light, lack of fresh air, lack of or inadequate hygienic facilities, infestation of cell with insects/rodents, lack of or poor quality of bedding and bed linen, lack of or insufficient physical exercise in fresh air, bunk beds, lack of privacy for toilet, lack of or restricted access to leisure or educational activities, no or restricted access to potable water, lack or inadequate furniture, lack of toiletries, no or restricted access to shower, no or restricted access to warm water, poor quality of food.	5,000
15.	52221/15 04/12/2015	Darius Mărilă 12/09/1986		Reșița Police Inspectorate and Timișoara Penitentiary 22/05/2015 pending More than 2 year(s) and 8 month(s) and 29 day(s)	2.67 m ²	Overcrowding (save for the period starting from 02/12/2015 onwards in Timisoara Penitentiary), lack of or poor quality of bedding and bed linen, lack of or inadequate hygienic facilities, mouldy or dirty cell, lack or inadequate furniture, infestation of cell with insects/rodents, lack of or insufficient physical exercise in fresh air, lack of toiletries, bunk	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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
						beds, poor quality of food, lack of or insufficient natural light, lack of fresh air.	
16.	52233/15 09/11/2015	Alexandru Cojocaru 18/09/1992		Craiova and Rahova Penitentiary 13/06/2013 pending More than 4 year(s) and 8 month(s) and 7 day(s)	0.98-2.79 m ²	Overcrowding (save for the period 19/09/2013-10/10/2013 in Rahova Penitentiary), infestation of cell with insects/rodents, lack of or insufficient physical exercise in fresh air, lack of fresh air.	3,000
17.	53018/15 09/11/2015	Ioan Lupu 27/09/1966		Slobozia Penitentiary 21/11/2013 to 12/05/2014 5 month(s) and 22 day(s) Poarta Albă Penitentiary 12/05/2014 pending More than 3 year(s) and 9 month(s) and 10 day(s)	2.13-2.34 m ² 1.41-2.89 m ²	overcrowding, lack of fresh air, lack or inadequate furniture Overcrowding, lack or inadequate furniture, infestation of cell with insects/rodents, lack of or inadequate hygienic facilities, no or restricted access to shower, no or restricted access to warm water, lack of toiletries.	3,000
18.	53404/15 03/12/2015	Pál László 13/09/1988		Miercurea Ciuc Penitentiary 06/02/2014 to 18/03/2016	1.46-1.83 m ²	Overcrowding, poor quality of food, bunk beds, lack of or insufficient physical exercise in fresh air, lack or inadequate furniture, lack of fresh	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 pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
				2 year(s) and 1 month(s) and 13 day(s)		air, lack of or insufficient natural light, lack of toiletries, lack of or inadequate hygienic facilities.	
19.	59385/15 24/11/2015	Sorin-Doru Strugar 19/06/1968	Ioan Bulboacă Suceava	Iași Penitentiary 08/04/2015 to 21/01/2016 9 month(s) and 14 day(s)	1.18-2.5 m ²	Overcrowding, insufficient number of sleeping places, lack of fresh air, lack of or insufficient natural light, lack of or inadequate hygienic facilities.	1,000
20.	61744/15 03/12/2015	Neculai Scurtu 21/11/1981		Craiova Penitentiary 08/05/2014 to 03/11/2016 2 year(s) and 5 month(s) and 27 day(s)	1.19-1.53 m ²	Overcrowding, infestation of cell with insects/rodents, bunk beds.	3,000