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DH-DD(2024)1465

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1521st meeting (March 2025) (DH)

Communication from the authorities on the general measures (13/12/2024) concerning the cases of Bragadireanu group and Rezmives and Others v. Romania (Applications No. 22088/04, 61467/12) (appendices in Romanian are available at the Secretariat upon request).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1521^e réunion (mars 2025) (DH)

Communication des autorités sur les mesures générales (13/12/2024) relative aux affaires groupe Bragadireanu et Rezmives et autres c. Roumanie (requêtes n° 22088/04, 61467/12) (des annexes en roumain sont disponibles auprès du Secrétariat sur demande) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DGI

13 DEC. 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

L / 6191 / 13th December 2024

627 R/AG/ 239

4468 R/AG/ 205

Information Note on General Measures in the pilot judgment of *Rezmives and others. v. Romania* (app. no. 61467/12+) and the *Bragadireanu and others v. Romania* group of cases (app. no. 22088/04+)

I. Introductory summary of the cases

The abovementioned cases concern the issue of prison overcrowding and inadequate conditions of detention in prisons and police arrest and detention centers, and also the lack of an effective remedy in this regard, which have led the Court to establish the existence of a breach of article 3 of the Convention.

II. General Measures

As detailed in the Information Note DH-DD(2024)1359 of November 21st, 2024, the Government has requested from the National Prison Administration (the ANP) examples of recent case-law, in order to identify how detainees' complaints regarding inadequate detention conditions or claims for pecuniary compensation are resolved.

Out of 141 judgments issued between 2016-2024, that were mentioned in the information Note of November 21st, 2024 as being first communicated by the domestic courts in the context of procedures pending before the ECHR in the *Andrei and 10 others v. Romania* group of cases (applications no. 55953/20+), **four cases dealt with complaints against Police detention and remand centers, for which the ANP could not provide information on the measures taken to execute those cases.**

Thus, the Government proceeded to request relevant information from the General Inspectorate of the Romanian Police (the IGPR) on the execution status of these four judgments, as well as information on any additional examples of relevant case-law.

On December 9th, 2024, the IGPR **provided the following details on the four cases related to detention conditions in police custody mentioned previously** in the Information Note no. DH-DD(2024)1359 of November 21st, 2024:

- In two of the cases, the complaints against the Arad County Police Detention and Remand Centers were rejected, but the domestic courts upheld the applicants' complaints against the State and granted the applicants sums of money (1.000 lei and 2.000 lei, respectively), as compensation for the conditions experienced in the Arad County Police Detention and Remand Center. As the complaints against the Police Centre were rejected, no further details were provided;

- In one case, the applicant's claim of pecuniary compensation against the Timisoara County Police Detention and Remand Center was rejected at all levels of jurisdiction;
- In another case, the applicant's complaint concerning inadequate conditions of detention in the Constanta County Police Detention and Remand Center was rejected as unfounded by the supervision judge.

Furthermore, **the IGPR provided five additional examples of domestic judgments, covering the interval 2020-2024**, as follows:

- One judgment of November 25th, 2020, in which the Timisoara County Police Detention and Remand Center, together (*in solidar*) with the Ministry of Internal Affairs (the MAI), was obliged to pay the applicant 1.250 lei for non-pecuniary damages and 1.000 lei for costs and expenses due to the inadequate conditions of detention afforded to the applicant. The judgment was executed;
- One judgment of October 4th, 2021, in which the Prahova County Police Detention and Remand Center was obliged to pay the applicant 3.000 lei for non-pecuniary damages due to the inadequate conditions of detention afforded to the applicant (overcrowding, insufficient access to light and fresh air, lack of privacy in the toilet). The judgment was executed;
- One judgment of November 1st, 2022, in which the Calarasi County Police Detention and Remand Center was obliged to pay the applicant 1.000 EUR for non-pecuniary damages due to the inadequate conditions of detention afforded to the applicant (lack of sanitary facilities, inadequate access to light and fresh air, unhygienic conditions). The judgment was executed;
- One judgment of April 19th, 2024, in which the Neamt County Police Detention and Remand Center was obligated to transfer the applicant to a center which could provide him with adequate conditions (the applicant complained of overcrowding, poor hygiene and absence of cleaning for his clothes, lack of space for eating). The judgment was executed by the applicant's transfer to the Iasi County Center;
- One judgment of April 30th, 2024, in which the Neamt County Police Detention and Remand Center was obligated to ensure that the applicant had access to adequate sanitary facilities. The judgment was executed by monitoring that the applicant has unrestricted access to sanitary facilities;

III. Conclusions

The Government kindly ask the Committee to note the progress achieved so far and inform that it will keep the Committee updated on any relevant evolution with regard to the execution of the cases quoted above.