



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

THIRD SECTION

CASE OF TOMA BARBU v. ROMANIA

(Application no. 19730/10)

JUDGMENT

STRASBOURG

30 July 2013

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

LUMEA JUSTITIEI.RO

In the case of Toma Barbu v. Romania,

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

Josep Casadevall, *President*,

Alvina Gyulumyan,

Corneliu Bîrsan,

Ján Šikuta,

Luis López Guerra,

Nona Tsotsoria,

Valeriu Grițco, *judges*,

and Santiago Quesada, *Section Registrar*,

Having deliberated in private on 9 July 2013,

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

PROCEDURE

1. The case originated in an application (no. 19730/10) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Romanian national, Mr Daniel Toma Barbu (“the applicant”), on 10 December 2009.

2. The applicant was represented by Ms S.C. Huiduc, a lawyer practicing in Bucharest. The Romanian Government (“the Government”) were represented by their Co-Agent, Ms I. Cambrea, from the Ministry of Foreign Affairs.

3. The applicant alleged that his rights guaranteed by Article 3 of the Convention had been breached. He complained in particular that, following his return to prison in August 2009 after various periods of hospitalisation, and while in detention in Rahova and Jilava Prisons, the material conditions of his detention had been inappropriate, the authorities had failed to segregate smokers from non-smokers, and the medical care he had received for his medical condition had been inadequate.

4. On 26 January 2012 the application was communicated to the Government. It was also decided to rule on the admissibility and merits of the application at the same time (Article 29 § 1).

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1968 and lives in Bucharest.

6. By a final judgment of 22 October 2008 the Bucharest Court of Appeal convicted the applicant of attempted aggravated theft and sentenced him to two years' imprisonment on the basis of documentary and testimonial evidence.

7. On 16 March 2009 the applicant was detained in Rahova Prison.

A. Material conditions of detention and the authorities' failure to segregate smokers from non-smokers in Rahova and Jilava Prisons

1. The applicant

8. On 10 December 2009 the applicant stated to the Court that following his return to prison on 16 August 2009 he had to share a cell with fourteen other detainees. Some of the detainees were smokers, even though his medical condition dictated that he should avoid smoking and passive smoking. The temperature in the cells was very low and the detainees were forced to fill in cracks in the windows with their own clothes. The bedding was infested with bedbugs and the applicant developed a severe rash from insect bites. Furthermore, he was forced to sleep with the light on at night and to live in poor hygiene conditions. In addition, the food was of poor quality and he was not provided with a diet suitable for his medical condition.

2. The Government

(a) Rahova Prison

9. The applicant was detained in cells nos. 101 and 105 from 16 March to 8 April 2009, from 16 August to 7 September 2009 and from 2 May to 27 May 2010.

10. Each of the cells measured 19.3 sq. m and during the applicant's detention had been occupied by between five and thirteen inmates. The cells were fitted with an unspecified number of bunk beds measuring 1.80 x 0.80 metres, tables, benches, a coat hanger and a television stand. During his detention the applicant had his own bed. Smokers were segregated from non-smokers. On 3 June 2010 the applicant signed a written statement declaring that he was a smoker.

11. Each of the cells also had a bathroom fitted with two sinks, a shower and a toilet with natural ventilation. Cold water was supplied at all times,

and warm water was available twice a week. Rubbish collections were carried out and the halls, stairs and prison buildings were cleaned twice a day or as often as required. The prison issued inmates with specific cleaning materials and they could purchase any personal hygiene products they needed from the prison shop. The cells were disinfected of bugs and vermin by specialist companies every three months or as often as required.

12. The prison was fitted with its own gas central heating system and the cells had radiators, which were on for a total of eight hours a day depending on the weather.

13. The applicant was provided with a special diet for his heart condition. The food was prepared daily and was of good quality.

14. At night only a dim light in the hallway was turned on. Lights within the cells were normally switched off at night, and detainees could turn them off themselves as there were light switches in the cells.

(b) Jilava Prison

15. The applicant was detained in cells nos. 418 and 419 in the Jilava Prison Hospital from 17 September to 25 November 2009, from 14 December 2009 to 16 February 2010, from 3 to 15 June 2010 and from 26 July to 6 December 2010.

16. Each of the cells measured 45.29 sq. m and during the applicant's detention until 25 November 2009 had been occupied by between nine and thirteen inmates, and by between seven and eleven inmates for the remaining periods. The cells were fitted with between seven and fourteen beds.

17. Cold water was supplied at all times, except for when occasional maintenance work was carried out. Warm water was available twice a week and each cell was allocated fifteen minutes for detainees to wash themselves.

18. The cells were disinfected as often as required. The detainees were provided with cleaning materials and rubbish was collected on a daily basis. The detainees could have their clothes and underwear laundered weekly upon request, and the cells were disinfected of bugs and vermin by specialist companies.

19. In the hospital cells in which the applicant was detained, smoking was banned and detainees were not allowed to carry cigarettes, regardless of whether or not they were smokers.

20. The applicant was provided with a special diet during his detention.

21. At night, only a dim light in the hallway was turned on. Lights within the cells were normally switched off at night, and detainees could turn them off themselves as there were light switches in the cells.

B. Medical treatment

1. The applicant

22. According to the applicant, following his return to prison on 16 August 2009 the authorities failed to provide him with adequate medical care and denied him the medication he required for his medical condition because of a lack of funding. Consequently, his mother had to purchase his medication for him.

2. The Government

23. During his detention in Rahova and Jilava Prisons the applicant was provided with a special diet for his heart and other medical conditions.

24. On 17 March 2009 the applicant was examined by the Rahova Prison doctor. He was diagnosed with a serious heart condition, an ulcer and chronic hepatitis C. He was administered the medication he required, which he had been prescribed by specialist doctors and had brought with him from home. According to the medical documents submitted by the Government, the applicant received medication used for treating ulcers and heart problems. On the same date the prison doctor recommended that the applicant be taken to Jilava Prison Hospital for a cardiology examination.

25. On 20 March 2009 the Jilava Prison Hospital carried out a cardiology examination of the applicant. The relevant medical documents suggest that he was administered treatment for his heart problem and recommended open-heart surgery.

26. Between 3 and 7 April 2009 the cardiology department of the Bucharest University Hospital produced a report on the applicant's medical condition. The report concluded that the applicant was suffering from, *inter alia*, an ulcer, chronic hepatitis C and a serious heart problem. It recommended that the applicant be treated with a number of medicines, that he be provided with a suitable diet, that his hepatic function be monitored and that he be taken for the appointment which had already been made for his open-heart surgery at the Bucharest Military Hospital.

27. In April, August and September 2009 as well as in May 2010 the Rahova Prison authorities approved the prison doctor's request for the applicant to be provided with the special diet for detainees suffering from heart problems.

28. Between 8 and 21 April 2009 the applicant was hospitalised at the cardiology unit of the Jilava Prison Hospital. He was treated for his heart problem. According to his discharge papers, he was recommended a low fat diet for gastric protection, medication for his heart problem, and heart surgery. He was also advised to avoid smoking and passive smoking.

29. Between 21 April and 11 May 2009 the applicant was hospitalised at the Rahova Prison Hospital. He was examined and provided treatment for

his heart and stomach problems. In addition, he was administered Silymarin, a herbal remedy used for the treatment of chronic hepatitis C.

30. On 12 May 2009 the applicant underwent open-heart surgery at the Bucharest Military Hospital. According to him, both before and after the operation he was under constant guard and was handcuffed to the bed. He could only see his wife for a few minutes, his children were not allowed to visit him, and he was not allowed to speak to other people in the hospital ward.

31. By a judgment of 19 May 2009 the Bucharest District Court allowed an application by the applicant seeking a suspension of the execution of his prison sentence and ordered his release for two months and fifteen days so that he could undergo surgery for his heart condition.

32. On 20 May 2009 the applicant was discharged from the Bucharest Military Hospital following his open-heart surgery and was transferred to the Rahova Prison Hospital. He was administered the post-operative treatment he had been recommended by the Bucharest Military Hospital.

33. On 29 May 2009 the applicant was transferred to the Jilava Prison Hospital where he continued to receive the recommended treatment for his heart and stomach problems.

34. On 1 June 2009, after the judgment of 19 May 2009 became final, the applicant was released from Jilava Prison Hospital into the care of his family. Between 12 and 29 June 2009 he was hospitalised at the Floreasca Hospital where he underwent surgery to save a necrotic leg.

35. On 16 August 2009 the applicant returned to Rahova Prison.

36. On 17, 19, 21 and 27 August 2009 as well as on 3, 8, 14, 17 and 20 May 2010 the applicant received medication used to treat ulcers and heart and pancreatic problems.

37. On 18, 21 and 27 August 2009 the applicant received the medication he required for the treatment of his heart and stomach problems from the Rahova Prison doctor and from his family. On 27 August 2009 the prison doctor also recommended that the applicant be transferred to the Jilava Prison Hospital for a cardiology examination.

38. On 31 August 2009 the Jilava Prison Hospital carried out the cardiology examination of the applicant. In addition, he was recommended a fat-free diet, treatment for his heart problems and to be admitted as an inpatient.

39. Between 7 and 17 September 2009 the applicant was hospitalised at the cardiology unit of the Jilava Prison Hospital where he received treatment for his heart, stomach and liver problems. His discharge papers described his condition as good. It was recommended that he undergo an electrocardiogram examination and be taken to the Cantacuzino Hospital to determine whether antiviral treatment for his chronic hepatitis C was appropriate. In addition, he was prescribed a special diet for gastric and

hepatic protection, medication for his heart and stomach problems, a course of Silymarin, and advised to avoid smoking and passive smoking.

40. Between 23 September 2009 and 15 November 2010 the applicant was examined forty-four times by the doctors of the prison facilities in which he was detained. He was provided with the recommended medication for his stomach and heart problems, except on the occasions when he refused to accept it or stated that he had already received some from his relatives. He also received medication for other ailments such as headaches, toothaches, diarrhoea and a skin infection. In addition, on 27 July 2010 he was provided with a special diet, and on 5 August, 5 October and 8 November 2010 he received (on each occasion) thirty capsules of Silymarin.

41. On 5 October 2009 the applicant was transferred to the Prof. Dr. C.C. Iliescu Institute for Heart Disease for the recommended electrocardiogram examination.

42. On 23 and 24 November 2009 the applicant was transferred to the Jilava Prison Hospital and the Bucharest Military Hospital for further cardiology examinations.

43. Between 25 November and 14 December 2009, 27 May and 3 June 2010 as well as on 15 June and 26 July 2010 the applicant was hospitalised at the Jilava Prison Hospital. He was examined and received the treatment he required for his medical condition. The discharge reports described his condition as good. In addition, he was prescribed a special diet for gastric and hepatic protection, medication for his heart and stomach problems, a course of Silymarin, and advised to avoid smoking and passive smoking.

44. By a judgment of 5 February 2010 the Bucharest District Court allowed a second application by the applicant seeking the suspension of the execution of his prison sentence and ordered his release for two months and fifteen days. It held, on the basis of an expert report produced by the Mina Minovici Forensic Institute, that the applicant's heart condition was serious and required revascularisation surgery which could not be performed in a prison hospital. The judgment remained final on 15 February 2010, as both the applicant and the State waived their right to appeal and he was released the following day.

II. RELEVANT DOMESTIC LAW AND INTERNATIONAL DOCUMENTS

45. Excerpts from the relevant legal provisions concerning the rights of detainees, namely Law no. 275/2006 on the execution of prison sentences, are given in the cases of *Petrea v. Romania* (no. 4792/03, §§ 21-23, 29 April 2008); *Gagiu v. Romania* (no. 63258/00, § 42, 24 February 2009); and *Măciucă v. Romania* (no. 25763/03, § 14, 26 May 2009).

46. Excerpts from the relevant parts of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“CPT”) on prison conditions are given in the cases of *Bragadireanu v. Romania* (no. 22088/04, §§ 73-75, 6 December 2007); *Artimenco v. Romania* (no. 12535/04, §§ 22-23, 30 June 2009); and *Iacov Stanciu v. Romania* (no. 35972/05, §§ 116-129, 24 July 2012).

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

47. The applicant complained that he had been subjected to inhuman and degrading treatment. He complained in particular that, following his return to prison in August 2009 after various periods of hospitalisation, and while in detention in Rahova and Jilava Prisons, the material conditions of his detention had been inappropriate, that the authorities had failed to segregate smokers from non-smokers, and that the medical care he had received for his medical condition had been inadequate.

His allegations mainly concerned overcrowding, a lack of heating, bedbugs and insect infestation, being forced to sleep with the light on at night, poor hygiene conditions, poor nutrition and an unsuitable diet, and being forced to share cells with smokers even though his medical condition dictated that he should avoid smoking and passive smoking. He also alleged that he had been denied adequate treatment for his medical condition because of a lack of funding. He relied in substance 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.”

A. Complaint concerning the conditions of detention

1. Admissibility

(a) The parties’ submissions

48. The Government raised a preliminary objection of non-exhaustion of domestic remedies, in so far as the applicant had not used Law no. 275/2006 to complain before the domestic authorities about the conditions of his detention. They argued that the remedy under that Law was effective, having regard to the domestic case-law already cited by them in previous cases such as, among other authorities, *Leontiuc v. Romania* (no. 44302/10, §§ 44-50, 4 December 2012).

49. The applicant disagreed.

(b) The Court's assessment

50. The Court notes that the applicant's complaint concerns the material conditions of his detention, namely overcrowding, a lack of heating, poor and inadequate nutrition, poor hygiene conditions and the authorities' failure to segregate smokers from non-smokers. In this regard, it notes that in recent applications lodged against Romania concerning similar complaints the Court has already found that, given the specific nature of this type of complaint, the legal action suggested by the Government does not constitute an effective remedy (see *Florea v. Romania*, no. 37186/03, § 45, 14 September 2010; *Lăutaru v. Romania*, no. 13099/04, § 85, 18 October 2011, and *Leontiu*, cited above, § 50).

51. The Court therefore concludes that the domestic case-law cited by the Government does not indicate how the legal action proposed by them could have afforded the applicant immediate and effective redress for the purposes of his complaint (see, *mutatis mutandis*, *Marian Stoicescu v. Romania*, no. 12934/02, § 19, 16 July 2009).

52. It therefore rejects the Government's plea of non-exhaustion of domestic remedies in respect of the applicant's complaint concerning the material conditions of detention and the authorities' failure to segregate smokers from non-smokers in Rahova and Jilava Prisons.

53. Lastly, the Court notes that the above complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

2. Merits

(a) The parties' submissions

54. The applicant submitted that the conditions of his detention had been inappropriate and that he had been made to share his cells with smokers in spite of his medical condition.

55. The Government, referring to their description of the detention conditions submitted before the Court (see paragraphs 9-21 above), contended that the domestic authorities had taken all the measures necessary to ensure adequate conditions of detention, and that the applicant's complaints were groundless.

(b) The Court's assessment

56. The Court reiterates that under Article 3 of the Convention the State must ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of execution of the measure of detention do not subject him to distress or hardship of an

intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured (see *Valašinas v. Lithuania*, no. 44558/98, § 102, ECHR 2001-VIII, and *Kudła v. Poland* [GC], no. 30210/96, § 94, ECHR 2000-XI).

57. When assessing conditions of detention, account has to be taken of the cumulative effects of these conditions, as well as of specific allegations made by the applicant (see *Dougoz v. Greece*, no. 40907/98, § 46, ECHR 2001-II).

58. 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 (see *Karalevičius v. Lithuania*, no. 53254/99, § 39, 7 April 2005).

59. In previous cases the Court has found that the overcrowding was so severe as to justify in itself a finding of a violation of Article 3 of the Convention (see, among many other authorities, *Kalashnikov v. Russia*, no. 47095/99, §§ 97 et seq., ECHR 2002-VI; *Ciorap v. Moldova*, no. 12066/02, § 70, 19 June 2007; *Răcăreanu v. Romania*, no. 14262/03, §§ 49-52, 1 June 2010; and *Ali v. Romania*, no. 20307/02, § 83, 9 November 2010).

60. By contrast, in other cases, where the overcrowding was not as severe as to raise in itself an issue under Article 3 of the Convention, the Court noted other aspects of physical conditions of detention as being relevant for its assessment of compliance with that provision. Such elements included the availability of ventilation, access to natural light or air, adequacy of heating arrangements, compliance with basic sanitary requirements and the possibility of using the toilet in private. Thus, even in cases where a larger prison cell was at issue, the Court found a violation of Article 3 since the space factor was coupled with the established lack of ventilation and lighting (see, for example, *Babushkin v. Russia*, no. 67253/01, § 44, 18 October 2007; *Ostrovar v. Moldova*, no. 35207/03, § 89, 13 September 2005; and *Peers*, cited above, §§ 70-72) or the lack of basic privacy in the prisoner’s everyday life (see, *mutatis mutandis*, *Belevitskiy v. Russia*, no. 72967/01, §§ 73-79, 1 March 2007; *Valašinas*, cited above, § 104; *Khudoyorov v. Russia*, no. 6847/02, §§ 106-107, ECHR 2005-X; and *Novoselov v. Russia*, no. 66460/01, §§ 32 and 40-43, 2 June 2005).

61. The Court notes it has also found a violation of Article 3 in circumstances where the applicant had to share his cell for significant periods of time with other detainees who smoked (see *Florea*, cited above, § 64).

62. In the case at hand, the Court notes from the outset that, following his return to prison in August 2009, the applicant was transferred repeatedly from Rahova or Jilava Prisons to their respective hospital facilities. He did

not complain about the conditions of his detention in those facilities. In addition, he was also temporarily released on medical grounds. However, having regard to the length of the applicant's detention in Rahova and Jilava Prisons, the relative short duration of the applicant's transfer to prison hospitals and his temporary release, and the fact that he returned to the same prison facilities after his transfer or release, the Court cannot conclude that the measures in question brought significant changes to his detention conditions and that there was therefore no continuous situation (see *Seleznev v. Russia*, no. 15591/03, § 35, 26 June 2008, and, *Eugen Gabriel Radu v. Romania*, no. 3036, § 24, 13 October 2009).

63. The Court notes that the applicant did not contradict the Government's submissions on the size of the cells. What is contested between the parties is the actual occupancy of those cells – while the Government submitted that the cells had not been overcrowded, the applicant disagreed.

64. Although the Government provided information to the Court concerning the periods of time the applicant was detained in Rahova and Jilava Prisons, the size of the cells, and the number of detainees, they did not provide precise details about the number of days spent by the applicant in each cell or the number of detainees he shared with on a daily basis. However, even at the occupancy rate put forward by the Government, the applicant's living space during the periods he spent in Rahova and Jilava Prisons seems to have been on occasion below 4 sq. m and sometimes even below 1.5 sq. m (see paragraphs 10 and 16 above), which falls short of the standards imposed by the Court's case-law (see *Kokoshkina*, cited above, § 62, and *Orchowski v. Poland*, no. 17885/04, § 122, ECHR 2009). The Court further points out that these figures were even lower in reality, taking into account the fact that the cells also contained various items of furniture.

65. Moreover, while it appears that on certain occasions the space available to the applicant was in excess of 4 sq. m (see paragraphs 10 and 16 above), the Court considers that, in comparing each party's submissions regarding the hygiene conditions with the findings of the CPT reports in respect of Romanian prison facilities, it can only conclude that even in those circumstances the applicant was deprived of the ability to maintain adequate level of personal hygiene in prison. The Court's finding is also supported by the Government's submission that in Jilava Prison, cells of between seven and thirteen detainees only had access to warm water twice a week and were allocated fifteen minutes for washing themselves, meaning an allocated time of between one and two minutes each (see paragraph 17 above).

66. The Court also notes that in respect of the applicant's claim concerning the lack of heating in prison, the Government submitted that Rahova Prison was fitted with its own gas central heating system which was on for a total of eight hours a day. However, they failed to provide any information in respect of the temperature in the cells or about the heating in

Jilava Prison. Consequently, based on the available information, the Court can only conclude that during his detention the applicant was not provided with adequate heating.

67. The Court has frequently found a violation of Article 3 of the Convention on account of the lack of personal space afforded to detainees and unsatisfactory heating and hygiene conditions (see *Ciorap*, cited above, § 70; *Kalashnikov*, cited above § 98; and *Ali*, cited above, § 84).

68. In the case at hand, the Government has failed to put forward any argument that would allow the Court to reach a different conclusion.

69. Moreover, the applicant's submissions concerning the overcrowded, cold and unhygienic conditions correspond to the general findings by the CPT in respect of Romanian prisons (see paragraph 47 above).

70. The Court concludes that the conditions of his detention caused him suffering that exceeded the unavoidable level of suffering inherent in detention and that attained the threshold of degrading treatment proscribed by Article 3.

There has accordingly been a violation of Article 3 of the Convention in respect of the material conditions of the applicant's detention in Rahova and Jilava Prisons.

71. Taking this finding into account, the Court does not consider it necessary to examine the remaining issues of the applicant's complaint concerning the conditions of his detention.

B. Complaint concerning the inadequacy of medical treatment

Admissibility

(a) The parties' submissions

72. Relying on the Court's case-law, the Government raised a preliminary objection of non-exhaustion of domestic remedies, in so far as the applicant had not raised his complaint before the domestic courts on the basis of Law no. 275/2006.

73. The applicant disagreed.

(b) The Court's assessment

74. The Court has already had the opportunity to examine a similar objection raised by the Government in the case of *Petrea*, cited above. It concluded that before the entry into force of Emergency Ordinance no. 56/2003 on 25 June 2003, and subsequently of Law no. 275/2006, there had been no effective remedy for the situation complained of by the applicant. However, after that date, those in the applicant's situation had had an effective remedy for their complaints concerning a lack of medical treatment, even if their applications were already pending with the Court at the relevant date (see *Petrea*, cited above, §§ 35-36).

75. The Court sees no reason to depart from the conclusions it reached in *Petrea* in the present case.

76. It follows that the applicant's complaint concerning a lack of adequate medical treatment while in detention in Rahova and Jilava Prisons is inadmissible for non-exhaustion of domestic remedies. Consequently, it must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

II. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

77. The applicant complained, relying in substance on Article 3 of the Convention that he had been ill-treated by prison guards, in that he had been handcuffed to his hospital bed the entire time he was hospitalised for his open-heart surgery, and that in Rahova Prison he had been denied adequate medical care for his medical condition on account of a lack of funding prior to his open-heart surgery in May 2009. Moreover, he complained by relying in substance on Article 8 of the Convention that his right to respect for his private and family life had been breached, in so far as he had had limited contact with his wife and had not been allowed by the prison guards to see his children or to speak to the other individuals in the ward while in hospital for his open-heart surgery.

78. The Court has examined these complaints as submitted by the applicant. However, having regard to all the material in its possession, and in so far as they fall within its jurisdiction, the Court finds that 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 application must be rejected pursuant to Article 35 § 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

79. 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."

80. The applicant did not submit a claim for just satisfaction.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the complaints under Article 3 of the Convention concerning the conditions of detention in Rahova and Jilava Prisons admissible and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 3 of the Convention.

Done in English, and notified in writing on 30 July 2013, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Santiago Quesada
Registrar

Josep Casadevall
President