



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

THIRD SECTION

Application no. 75692/12
Mihail BOLDEA
against Romania
lodged on 20 November 2012

STATEMENT OF FACTS

The applicant, Mr Mihail Boldea, is a Romanian national, who was born in 1976 and lives in Galați. He is currently detained in the Galați Penitentiary.

The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

On 27 March 2012 the applicant was placed in pre-trial detention in the Galați Police Detention Centre.

The applicant complains about his material conditions of detention at the Galați Police Detention Centre. He alleges that, while occupying cell no. 6, he was constantly exposed to cigarette smoke from the other inmates, although a non-smoker himself. He further complains of insufficient ventilation, natural light and artificial light. The applicant also maintains that, because of the poor hygiene conditions, the cell was infested with rats.

After having spent 3 days in cell no. 6, the applicant was moved to another cell, namely cell 10, which he shared with five other detainees. The applicant alleges that the cell was overcrowded, but fails to add further details concerning the size of the room. The applicant also complains about constant exposure to cigarette smoke from other inmates.

After 40 days, the applicant was once again moved to another cell, namely cell no. 11. The applicant maintains that there were no sanitary facilities in the cell and that consequently, he was forced to use the sanitary facilities of the neighbouring rooms whenever he was given permission. The applicant also alleges that, during the six-month period he spent in cell no. 11, he was constantly exposed to cigarette smoke from other inmates and was not allowed any out-of-cell time or other type of recreational activities.

On 26 October 2012 the applicant was transferred to the Galați Penitentiary. The applicant maintains that, while at the Galați Penitentiary,

he was once again held in a smoker's cell, where he was exposed to cigarette smoke for 21 days. He further alleges that there was no hot water at the communal showers and that he was denied access to the library.

COMPLAINT

The applicant complains under Article 3 of the Convention about his conditions of detention at the Galați Police Detention Centre and the Galați Penitentiary, especially with regard to overcrowding, poor hygiene conditions, insufficient ventilation and light and exposure to cigarette smoke.

QUESTION TO THE PARTIES

Has the applicant been subjected to inhuman or degrading treatment, in breach of Article 3 of the Convention, due to the conditions of his detention in the Galați Police Detention Centre and the Galați Penitentiary?

The Government are invited to provide information and supporting documents on the material conditions of the applicant's detention in the Galați Police Detention Centre and the Galați Penitentiary, in particular with respect to the size of the cells, the number of cells, the number of detainees in the cells at the time the applicant was detained, the facilities available, and the separation or lack thereof between smokers and non-smokers.