



Eugen Gabriel Radu v. Romania

Application No. 3036/04

Country: Romania

Region: Europe

Year: 2009

Court: European Court of Human Rights European Court of Human Rights

Health Topics: Disabilities, Prisons, Water, sanitation and hygiene

Human Rights: Freedom from torture and cruel, inhuman or degrading treatment

Facts

The plaintiff, Eugen Gabriel Radu, a Romanian national, applied to the European Court of Human Rights claiming that the conditions in the Romanian prison Bucarest-Jilava violated Article 3 of the European Convention of Human Rights, which prohibits torture and inhumane or degrading treatment.

The plaintiff was sentenced in 2001 and again in 2006 for aggravated theft, resulting in two successive prison sentences. The plaintiff served parts of his sentence at Bucarest-Jilava, where he claimed the “glacial cold” caused the partial paralysis of his left hand. He received medical care, but the paralysis persisted. He also claimed the prison was infested with parasites, rats and mice; the walls were covered in mold; sanitation facilities were non-functional; and he could only take a warm shower once a week. These claims were supported by reports published by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, after visits to the prison in 2004 and 2006. These reports described the conditions in the prison as “miserable,” “alarming” and “appalling.”

The Romanian government admitted that overpopulation was a problem at the prison and that the heating system was not always effective because it was old. However, the government denied many of the plaintiff’s other claims. The government argued that the prison was heated from November 1st to March 31st, and that work was done every year to fix broken windows to keep the prison warm. The government further argued that it was the responsibility of the inmates to keep their cells clean.

Decision and Reasoning

The Court held that Romania had violated Article 3. The Court found that Article 3 imposes the obligation on the state to ensure that (1) all prisoners are detained in conditions that are compatible with respect for human dignity; (2) procedural rules do not subject prisoners to distress or hardship of an intensity exceeding the level of suffering inherent to detention; and (3) that the health and well-being of the prisoners is adequately secured.

The Court held that the conditions of the detention center, together with the length of time the plaintiff had been subjected to those conditions, amounted to a violation of Article 3. Despite the controversy surrounding the conditions of the prison, the government claims were not supported by evidence. The conditions in the prison amounted to putting the plaintiff through an ordeal of an intensity that exceeded the inevitable level of suffering inherent in imprisonment. The plaintiff was awarded €5,000 for his suffering.

Decision Excerpts

Article 3 imposes on the state a duty to ensure that all prisoners are detained in conditions that are compatible with the respect for human dignity, the manner and method of execution of procedural rules do not subject prisoners to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent to detention and that, given the practical demands of imprisonment, the health and well-being of the prisoners are adequately secured. Para. 28.

The court admits that nothing indicates a true intention to humiliate or belittle the applicant. However, the absence of such a goal does not exclude the finding of a violation of Article 3. Para. 32.