



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

Communicated on 6 October 2015

THIRD SECTION

Application no. 50435/14
Liuba CERBU against the Republic of Moldova
and two other applications
(see list appended)

The list of the applicants is in the appended table. They are all Moldovan nationals. The first applicant is represented before the Court by Mr D. Harea, and the second applicant by Mr A. Postică, lawyers practising in Chişinău.

The facts of the cases, as submitted by the applicants, may be summarised as follows.

The first applicant was held in pre-trial detention in Prison no. 13. The second and the third applicants were held in the same detention facility to serve their sentences. According to the applicants, they were held in inhuman and degrading conditions of detention. They complain *inter alia* about poor material conditions of detention, bad sanitary conditions, overcrowding, the fact that the detention facility was not adapted to the needs of the disabled persons, lack of medical assistance and the small amount of compensation awarded by the domestic courts for Article 3 violations (see the table for the complaints raised by each applicant).

COMPLAINTS

The applicants complain under Article 3 of the Convention that they were held in inhuman and degrading conditions of detention.

In application no. 69086/14 the applicant further complains that she was not provided with adequate medical care as required by her condition.

In application no. 70142/14, having been informed of the judgment of 7 May 2014 establishing violations of his rights guaranteed by Article 3, the applicant complains about the insufficiency of the compensation awarded to him.

The applicants finally complain that they did not have, as required by Article 13 of the Convention, any effective remedies at their disposal for their complaints under Article 3.

COMMON QUESTIONS

1. Has there been a violation of Article 3 of the Convention? In particular, were the applicants held in inhuman and degrading conditions of detention?

2. Did the applicants have at their disposal an effective domestic remedy for their complaints under Article 3, as required by Article 13 of the Convention?

CASE SPECIFIC QUESTIONS

1. In application no. 69086/14, was the applicant suffering from any serious health problem during detention? If so, did the applicant receive medical care in respect of such health problems, as required by Article 3 of the Convention?

2. In application no. 70142/14, can the applicant continue to claim to be a victim of a violation of his rights guaranteed under Article 3 of the Convention, despite the judgments in his favour and considering, in particular, the amount of compensation awarded to him?

APPENDIX

No.	Application no. Lodged on	Applicant name Date of birth Represented by	Type of decision	Places of detention	Complaints under Article 3 regarding poor conditions of detention	Other complaints
1.	50435/14* 25/06/2014	Liuba CERBU 06/09/1969 Chişinău Represented by Mr. Dumitru HAREA	Pre-trial detention ordered by the Chişinău Court of Appeal on 1 April 2014	Chişinău Prison no. 13	Poor material conditions of detention, overcrowding (17 inmates in a cell), the foul odour from the toilet and lack of basic hygiene.	Article 13
2.	69086/14* 23/10/2014	Tatiana MACHINA 24/08/1985 Chisinau Represented by Mr. Alexandru POSTICĂ	Placed in detention on 14 February 2011 and convicted by the Centru District Court on 23 February 2011 The applicant is supposed to be released in 2015	Chişinău Prison no. 13	The applicant has a disability and can only move in a wheelchair. She complains about poor material conditions of detention, overcrowding (14-16 inmates in small cells), food of insufficient quality and quantity, lack of hygiene, detention in a prison not adapted for the needs of disabled persons, (inability to take showers or go to the toilet without help, bed not adapted to her needs, as well as the impossibility to access the daily walk area or the room designed for meeting her lawyer and the lack of a care provider). She was allegedly infected with hepatitis C while in detention and was not provided with special medical treatment required by her condition. The applicant also suffers from dermatitis, bronchopneumonia, otitis and a calcaneus fracture.	Article 13
3.	70142/14 13/10/2014	Mihail MOTRICALĂ 19/06/1968	Convicted to twenty five years' imprisonment by the Străşeni District Court on 30 December 2005	Chişinău Prison no. 13	Insufficient amount of compensation (45,000 MDL – the equivalent of 2,386 EUR) for having been held in inhuman and degrading conditions of detention (overcrowding, food of insufficient quality and quantity) for ten years and fifty days. The domestic courts also found that the applicant had been infected with tuberculosis while in detention.	Article 13