



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

FOURTH SECTION

DECISION

Application no. 20710/22
Bruno Miguel DOMINGUES ROMÃO against Portugal
and 5 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 1 February 2024 as a Committee composed of:

Anja Seibert-Fohr, *President*,

Anne Louise Bormann,

Sebastian Rădulețu, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table. They were represented by V. Carreto, a lawyer practicing in Torres Vedras.

The applicants' complaints under Articles 3 and 13 of the Convention concerning the inadequate conditions of detention and the lack of an effective remedy in this respect were communicated to the Portuguese Government ("the Government").

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Complaints under Articles 3 and 13 concerning periods of detention in which the applicants were detained in multi-occupancy cells either with less than 3 sq. m of personal space or where they lacked intimacy

The Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints as far as they concerned periods in which the applicants were detained in multi-occupancy cells either with less than 3 sq. m of personal space or where they lacked intimacy. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the inadequate conditions of detention for the periods at issue. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the cases.

The applicants were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

“... for any other reason established by the Court, it is no longer justified to continue the examination of the application”.

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the inadequate conditions of detention (see, for example, *Petrescu v. Portugal*, no. 23190/17, 3 December 2019).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications in the part covered by the unilateral declarations (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications in the part covered by the unilateral declarations (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list in the part concerning inadequate conditions of the applicants' detention, as covered by the Government's unilateral declarations.

In so far as the applicants referred to Article 13 of the Convention, as regard the periods of detention covered by these unilateral declarations of the Government, the Court, in the light of its findings above, does not consider it necessary to examine separately these complaints.

C. Other complaints

The applicants also raised complaints under Article 3 of the Convention concerning other periods of detention. Relying on Article 13 of the Convention, they further complained of a lack of an effective domestic remedy to complain about detention conditions during those periods.

The Court considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

These parts of the applications should therefore be declared inadmissible.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations and of the arrangements for ensuring compliance with the undertakings referred to therein;

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Decides to strike the applications out of its list of cases in the part covered by the unilateral declarations of the Government in accordance with Article 37 § 1 (c) of the Convention in accordance with Article 37 § 1 (c) of the Convention;

Decides that there is no need to examine the complaints under Article 13 of the Convention as regards the applicants' complaints covered by the unilateral declarations of the Government;

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 22 February 2024.

Viktoriya Maradudina
Acting Deputy Registrar

Anja Seibert-Fohr
President

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APPENDIX

List of applications raising complaints under Article 3 of the Convention
(inadequate conditions of detention)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	20710/22 21/04/2022	Bruno Miguel DOMINGUES ROMÃO 2000	Vítor Carreto Torres Vedras	17/07/2023	22/08/2023	6,800	250
2.	28490/22 23/05/2022	António José Nova FERNANDES CARDOSO 1977	Vítor Carreto Torres Vedras			6,800	250
3.	31809/22 23/06/2022	João RODRIGUES BERNARDO 1969	Vítor Carreto Torres Vedras			6,900	250
4.	49666/22 17/10/2022	Filipe Miguel DIOGO DA SILVA 1979	Vítor Carreto Torres Vedras			23,000	250
5.	51620/22 24/10/2022	Mário Rui SILVA GUIOMAR 1980	Vítor Carreto Torres Vedras			6,500	250
6.	53432/22 14/11/2022	Edivanio DA SILVA FRANÇA 1986	Vítor Carreto Torres Vedras			8,600	250

¹ Plus any tax that may be chargeable to the applicants

² Plus any tax that may be chargeable to the applicants