



The Court declares inadmissible Salvatore Riina's application concerning his conditions of detention

In its decision in the case of [Riina v. Italy](#) (application no. 43575/09) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the constant monitoring of Mr Riina in prison by means of a video surveillance system.

The Court held that Mr Riina had not exhausted the domestic remedies available to him.

In a [partial decision already delivered on 19 March 2013](#), the Court rejected all Mr Riina's other complaints as manifestly ill-founded, but considered that it was not in a position to rule on the admissibility of the complaint concerning the video surveillance of the applicant and decided to give notice of that part of the application to the Italian Government in accordance with Rule 54 § 2 (b) of the Rules of Court.

Principal facts

The applicant, Salvatore Riina, is an Italian national who was born in 1930 and is currently detained in Milan Opera Prison (Italy).

Mr Riina was sentenced to life imprisonment for, among other offences, membership of a mafia-type criminal organisation and several murders. He has been in prison since 15 January 1993 and is detained under a special prison regime which entails his being monitored by several video surveillance cameras. He was detained initially in Ascoli Piceno Prison before being transferred to Milan Opera Prison on 24 December 2003.

Mr Riina appealed on several occasions against the extension of the special prison regime, citing his state of health. His appeals resulted in five decisions issued by the local courts responsible for the execution of sentences, all of them dismissing his appeals.

It emerges from the courts' decisions that Mr Riina complained only once about the video surveillance equipment in his cell, in a complaint concerning Ascoli Piceno Prison. The Ancona court responsible for the execution of sentences, to which he had appealed, did not rule on this complaint and dismissed the appeal. The applicant did not appeal on points of law.

The applicant does not appear to have raised any complaints concerning the video surveillance of his prison cell in Milan Opera before the courts responsible for the execution of sentences.

Complaints, procedure and composition of the Court

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life), Mr Riina complained of the fact that he was under constant video surveillance in his cell, including in the toilets. He contended that the domestic remedies available in respect of these measures were ineffective.

The application was lodged with the European Court of Human Rights on 5 August 2009.

The decision was given by a Chamber of seven judges, composed as follows:

Işıl **Karakaş** (Turkey), *President*,
Guido **Raimondi** (Italy),
András **Sajó** (Hungary),
Nebojša **Vučinić** (Montenegro),
Helen **Keller** (Switzerland),
Egidijus **Kūris** (Lithuania),
Robert **Spano** (Iceland), *Judges*,

and also Stanley **Naismith**, *Section Registrar*.

Decision of the Court

Articles 3 and 8

The Court reiterated that Article 35 § 1 (admissibility criteria) of the Convention required applicants to have normal recourse to remedies within the national legal system which were available and sufficient to afford redress in respect of the breaches alleged. There was no obligation to have recourse to remedies which were inadequate or ineffective.

Mr Riina did not dispute the existence or the accessibility of the remedies by which to appeal against the application of the video surveillance measure; however, he expressed doubts as to their effectiveness. Notwithstanding the applicant's assertions, the Court was not convinced that the rejection of other complaints by the domestic courts had in any way had a negative impact on the effectiveness of the remedies in question. It therefore considered that Mr Riina could have exercised them.

The applicant had raised his complaint concerning the video surveillance only once before the domestic courts, namely in an appeal to the Ancona court responsible for the execution of sentences concerning his detention in Ascoli Piceno Prison. The court had dismissed his appeal, comprising several complaints, without ruling on the issue of the video surveillance. Mr Riina had not lodged an appeal on points of law with the Court of Cassation, which might have found fault with the lack of a ruling on the issue and required the courts to give a decision on the measure in question.

The Court further noted that the applicant had not raised the complaint in question before the domestic courts after his transfer to Milan Opera Prison.

Accordingly, Mr Riina had not exhausted domestic remedies in respect of his complaints concerning the video surveillance in Ascoli Piceno Prison, since he had not lodged an appeal on points of law, which constituted an adequate and effective remedy. Likewise, he had not lodged any appeal against the video surveillance in Milan Opera Prison.

The application therefore had to be rejected for failure to exhaust domestic remedies.

The decision is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.