

Grand Chamber Panel's decisions

At its last meeting (Monday 6 July 2015), the Grand Chamber panel of five judges decided to refer one case, to adjourn one case, and to reject requests to refer ten other cases¹.

The following case has been referred to the Grand Chamber of the European Court of Human Rights.

Muršić v. Croatia (application no. 7334/13): concerning an allegation of prison overcrowding and generally poor prison conditions in a Croatian prison.

Referral accepted

Muršić v. Croatia (application no. 7334/13)

The applicant, Kristijan Muršić, is a Croatian national who was born in 1987 and lives in Kuršanec (Croatia). In 2008 Mr Muršić was sent to prison for two years for robbery and in 2010 an additional charge of theft was brought against him. In total Mr Muršić was sentenced to two years and eleven months in prison.

Mr Muršić's complaint focused on the conditions at Bjelovar Prison where he spent 17 months of his jail term. Between 2010 and 2012 he lodged numerous complaints with the prison authorities, Bjelovar County Court, the Ombudsman, and the Constitutional Court in relation to his detention. His initial request to the prison authorities was for a transfer to another prison closer to his family but his subsequent complaints to the courts focused predominantly on overcrowding in the cells. During his detention at Bjelovar Prison he was moved between four different cells in the prison which he shared with between two and seven other prisoners and where he had between 3 and 7.39 square metres of personal space. Occasionally his personal space fell slightly below 3 square metres for short, non-consecutive periods of time, including one period of 27 days. He was transferred to another prison in 2011.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Muršić essentially complains about the inadequate detention conditions at Bjelovar Prison. In particular he complains about the lack of personal space, poor sanitary and hygiene conditions, the poor quality of the food, a lack of work opportunities, and insufficient access to recreational and educational activities.

In its Chamber [judgment](#) of 12 March 2015 the European Court of Human Rights held, by six votes to one, that there had been no violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention. The Court found in particular that, whilst there were some elements for concern with regard to Mr Muršić's lack of personal space during certain short non-consecutive periods of his detention, his overall conditions of detention – including in particular three hours a day outside of his cell in an otherwise entirely appropriate facility – had not met the threshold of severity required to characterise his detention as inhuman or degrading.

On 6 July 2015 the Grand Chamber panel of five judges accepted the applicant's request to refer the case to the Grand Chamber.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

Request for referral adjourned

M.T. v. Sweden (no. 1412/12), [judgment](#) of 26 February 2015

Requests for referral rejected

Judgments in the following ten cases are now final².

Requests for referral submitted by the applicants

Popov and Chonin v. Bulgaria (application no. 36094/08), [judgment](#) of 17 February 2015

Bujković v. Montenegro (no. 40080/08), [judgment](#) of 10 March 2015

Zaichenko v. Ukraine (no. 2) (no. 45797/09), [judgment](#) of 26 February 2015

Requests for referral submitted by the Government

Guseva v. Bulgaria (no. 6987/07), [judgment](#) of 17 February 2015

Sanader v. Croatia (no. 66408/12), [judgment](#) of 12 February 2015

Apostu v. Romania (no. 22765/12), [judgment](#) of 3 February 2015

Toșcuță and Others v. Romania (no. 36900/03), [judgment](#) (just satisfaction) of 3 March 2015

Trofim v. Romania (no. 36900/03), [judgment](#) (just satisfaction) of 3 March 2015

Dzhabbarov v. Russia (no. 29926/08), [judgment](#) of 19 February 2015

Khalikov v. Russia (no. 66373/13), [judgment](#) of 26 February 2015

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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.

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.