

COUNCIL
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EUROPEAN COMMISSION
OF HUMAN RIGHTS

Application No. 5613/72

Arthur HILTON
against
THE UNITED KINGDOM

Report of the Commission

(Adopted on 6 March 1978)

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I. INTRODUCTION

The following is an outline of the case as it has been submitted by the parties to the European Commission of Human Rights.

The applicant, Arthur Hilton, is a citizen of the United Kingdom, and of a West Indian family. He was born in 1945 in Hull where he still resides. He is a cook by occupation.

1. The substance of the applicant's complaints

The applicant complained to the Commission that he was ill-treated by prison staff during his detention in prison at Leeds and Liverpool from June 1971 - January 1974. He claimed that this alleged ill-treatment amounted to inhuman and degrading treatment or punishment contrary to Art. 3 of the Convention. The applicant also complained of obstruction by the Home Office on two occasions to allow him to instruct a solicitor contrary to his right of access to courts in the determination of his civil rights. This ancillary right is embodied in Art. 6 (1) (fair hearing) of the Convention as interpreted by the European Court of Human Rights in its judgment of 21 February 1975 in the Golder case. Finally he complained of unjustified censorship of certain of his correspondence contrary to his right for respect for correspondence ensured by Art. 8 of the Convention.

He also invoked Art. 1 (concerning the general undertakings by Signatory States) and Art. 5 (concerning deprivation of liberty) of the Convention.

2. Proceedings before the Commission

The present application was lodged with the Commission on 4 May 1972 and registered on 5 July 1972.

On 5 March 1976, after a one year delay requested by the applicant, the exchange by the parties of their written observations on the admissibility of the case and various deliberations by the Commission on the application's admissibility, the Commission declared the application admissible insofar as it concerned complaints under Arts. 3, 6 and 8 and declared the remainder of the application inadmissible as being immaterial to the allegations made.

On 23 April 1976, in the investigations and establishment of the facts of the case and on the instructions of the Commission, three delegates of the Commission, Messrs Triantafyllides, Trechsel and Kiernan, heard the applicant's personal evidence at the Council of Europe's Paris Office. In view of the numerous allegations which the applicant had made certain critical periods were selected by the delegates about which Mr Hilton was invited to give his evidence during the hearing.

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At this hearing the applicant, who had been granted legal aid in accordance with the Legal Aid Addendum to the Commission's Rules of Procedure, was represented by Mr. A. Khan, Barrister-at-law and Mr. M. Gold, Solicitor, Messrs Payne and Payne, Hull. The Government were represented by Mrs E. Denza, their Agent, Foreign and Commonwealth Office, Mr. P. Fifoot, Legal Counsellor, Foreign and Commonwealth Office, Miss S. Austin, Legal Adviser, Home Office, and Mr. D. Turnham, Home Office.

Following the report by the delegates and deliberations by the Commission, four delegates of the Commission, Messrs Triantafyllides, Trechsel, Kiernan and Klecker, heard the evidence of 17 witnesses, proposed by both parties, in Leeds, England, from 19 to 21 July 1976.

On this occasion the applicant was again represented by Mr Khan and Mr Gold. The Government were also represented by Mrs Denza, Miss Austin and Mr Turnham, with Mr S. Brown, Barrister-at-law, presenting the case and further assisted by Mr J.H. Wilkinson, Assistant Solicitor, Treasury Solicitors' Office, and Mr H.B. Jones and Mr A.J. Woods, also of the Treasury Solicitors' Office.

On 8 July 1977 the Commission held an oral hearing in Strasbourg on the merits of the case at which the parties also submitted their conclusions on the evidence taken. Then the applicant was represented by Mr Khan and Mr Gold and the Government by Mrs Denza, Mr Brown and Mr Turnham and Mr T.H. Williams, Home Office Legal Adviser.

At this hearing the Commission decided to adjourn its deliberations concerning censorship of the applicant's letters (the Art. 8 issue) until conclusions can be drawn from seven test applications against the United Kingdom presently before the Commission concerning the censorship of prisoners' letters. The Commission has therefore separated this complaint from the main body of the application and reserves its position on this aspect of the case, on which it will report at a later date.

3. The opinion of the Commission contained in the present Report is therefore limited to the facts concerning, and issues raised under, Arts. 3 and 6 of the Convention. It is drawn up in pursuance of Art. 31 of the Convention after deliberations and votes in plenary session, the following members being present:

MM. C.A. Nørgaard, Acting President (Rules 7 and 9
of the Rules of Procedure)

J.E.S. Fawcett
G. Sperduti
E. Busuttil
L. Kellberg
B. Daver
J. Custers
C.H.F. Polak
J.A. Frowein
G. Jörundsson
G. Tenekides
S. Trechsel
B. Kiernan
N. Klecker.

4. The text of the Report was adopted by the Commission on 6 March 1978 and is now transmitted to the Committee of Ministers in accordance with Art. 31 (2).

5. A friendly settlement of the case has not been reached and the purpose of the Commission in the present Report, as provided in Art. 31 (1) is accordingly:

- (1) to establish the facts, and
- (2) to state an opinion as to whether the facts found disclose a breach by the respondent Government of its obligations under the Convention.

6. A schedule setting out the history of proceedings before the Commission and the Commission's decision on the admissibility of the application are attached hereto as Appendices I and II. An account of the Commission's unsuccessful attempt to reach a friendly settlement has been produced as a separate document (Appendix III).

7. The full text of the pleadings of the parties together with the documents lodged as exhibits are held in the archives of the Commission and are available to the Committee of Ministers, if required.

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II. ESTABLISHMENT OF THE FACTS

8. There is very little agreement on fact between the parties hence the "facts" outlined below consist mainly of the allegations made by the applicant which were contested by the Government.

9. On 15 February 1971 the applicant was convicted of an offence of malicious wounding and was sentenced to four years' imprisonment. He commenced his sentence at Armley Jail, Leeds.

10. On 10 June 1971 the applicant injured a finger whilst at work. From then onwards the applicant wrote frequently to the Commission complaining about his treatment in prison.

11. The allegations of ill-treatment, harassment and victimisation that follow, according to the applicant were further aggravated by racial prejudice against him by the staff, as he is black, and by hostility from fellow prisoners following an unjustified rumour that he had been convicted of a sexual offence. As a result he claimed to have been obliged to spend most of his prison sentence in virtual solitary confinement, removed from association with other prisoners under Rule 43 of the Prison Rules 1964.

12. He contended that he was unable to remedy any of his complaints because on each occasion after complaining to the prison Governor to no avail he was allegedly maliciously charged with false disciplinary offences. Moreover the Home Office were equally unwilling to take his grievances seriously and afford him a remedy and blocked his efforts to air his complaints outside prison, for example by refusing him permission to instruct a solicitor.

13. 10 June 1971

13.1 The applicant stated that, having hurt his finger he was unable to work on the prison manufacturing machines and was obliged ultimately to do the ignominious task of waxing thread at half the wages he had originally earned. He complained unsuccessfully to the prison Governor about the reduction in his wages.

13.2 The Government stated that the records show that the applicant did indeed injure his finger on 10 June 1971 for which he received hospital treatment. Medical reports were obtained following his complaints which stated that the applicant's finger healed, leaving no evidence of disability. The applicant was made to wax thread as he was apparently uncooperative, refusing without medical justification to do other kinds of work. The applicant's petition of that month for permission to seek legal advice was rejected by the Home Office as they were satisfied that the applicant had no further problems with his finger.

14. 12 August 1971

14.1 The applicant alleged that other prisoners were unjustifiably and maliciously informed by certain of the prison staff that he had a previous conviction for indecent assault. He had therefore been threatened by them for which the prison afforded him no protection. He accordingly requested the prison Governor to remove him from association with other prisoners "in his own interests" in accordance with Rule 43 (1) of the Prison Rules which states:

"Where it appears desirable for the maintenance of good order or discipline or in his own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the Governor may arrange for the prisoner's removal from association accordingly."

14.2 In his request to the prison Governor the applicant implied only that as he had sided with a friend in an argument he was seeking protection from his fellow inmates. This was a false implication made on the advice of a prison officer to more easily convince the Governor. His request was however refused by the Governor and the Home Office.

14.3 The Government stated that there was no evidence of the applicant being threatened because of a previous conviction of indecent assault (a conviction which he did not have) or being otherwise threatened and his request was refused as the applicant was anyway suitably protected from allegedly hostile prisoners as he was already removed from association under Rule 43 being subject to punishment for disciplinary offences at that time ("for the maintenance of good order or discipline"). When the punishment expired he was placed under Rule 43 "in his own interests" at his request, from 18 August 1971 onwards.

14.4 The applicant spent most of his sentence removed from association with other prisoners, usually at his own request but also for disciplinary punishment. When serving the latter he was obliged to empty his cell of its bed during the day time. This constituted one of the applicant's main complaints - alleged solitary confinement in stark conditions throughout his sentence which he claims amounted to a breach of Art. 3 of the Convention which prohibits inhuman or degrading treatment or punishment.

14.5 The Government stressed that it was mostly the applicant's own request to be removed from association and stated that such removal is not solitary confinement but can take various forms depending on the needs of the prisoner. While detained under Rule 43 for his own protection the applicant apparently had the opportunity to take part in normal prison activities but took little advantage of the facilities.

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15. 23 August 1971

15.1 The applicant alleged that he was assaulted by a certain officer Horum. He complained unsuccessfully of the assault to the Governor and the Home Secretary and asked for a transfer to another prison so he could end the alleged solitary confinement.

15.2 The Governor stated that there was no officer Horum at Leeds prison. There was a senior officer Oran who had no knowledge of the alleged incident. The applicant's request for a transfer was apparently refused because at the time of complaining he had only been under Rule 43 "in his own interests" for a few weeks and no adverse conclusions could be drawn at that stage as to its effect.

16. 27 September 1971

16.1 The applicant was ordered on the afternoon of 27 September to exercise with a prisoner who was awaiting trial for causing grievous bodily harm with an iron bar to another prisoner. The applicant being afraid of him, refused to exercise. He therefore received insufficient exercise that day and accordingly complained to the Home Office. The Home Office refused to take any action as the applicant had already taken his morning exercise with this prisoner and due to staff shortages it was unreasonable, in their opinion, for the applicant to demand a personal escort.

16.2 The lack of exercise combined with the alleged solitary confinement is also one of the applicant's principal complaints of an aggravated breach of Art. 3 of the Convention. Further incidents when he refused exercise are recounted below. The Government's attitude was that his refusals were unjustified and therefore, whatever the consequences, were his own responsibility. In any event they were of the opinion that the lack of exercise in itself or in combination with the restrictions applied to Rule 43 prisoners could not have amounted to a breach of Art. 3.

17. 7 October 1971

17.1 The applicant refused to work as he claimed that the cold weather that day made his finger ache. He was disciplined for refusing to work. At the hearing the applicant said nothing. He was accordingly found guilty of disciplinary charges and punished. He complained to the Governor and the Home Secretary about the allegedly unfair procedure, a complaint that he frequently made about many of the disciplinary hearings against him. In his petition to the Home Secretary he also complained of pressure being put upon him, threats of physical violence and assaults, to make him withdraw his application with the Commission. For example, officer Swapp had allegedly punched him in the jaw that day for this reason and officer Barker had called him a "Black Bastard".

17.2 The applicant's petition was rejected by the Home Office as being wholly unfounded, officer Swapp having stoutly denied the allegations, officer Barker no longer being at Leeds prison by the time of the alleged incident, and medical reports having showed the applicant's finger to be healed and therefore his refusal to work unjustified.

18. 17 October 1971

18.1 The applicant cited as an apparently typical example of the alleged victimisation, harassment and abuse to which he was subjected, a complaint that on this day when the applicant was speaking to another prisoner through their cell windows, dog handler Sullivan who was outside on patrol shouted at him to get away from the window, allegedly calling him a "nigger", an "ugly black bastard" and a "monkey". The applicant said he replied abusively in retaliation. A similar exchange of abuse took place with another dog handler, Mr Oldroyd, fifteen minutes later. That day he was charged with using abusive and threatening language to these officers. He was found guilty and punished the following day.

18.2 The applicant complained of such alleged provocation by prison staff and their abuse of disciplinary measures to vent their malice towards him.

18.3 He also complained to the Race Relations Board about these matters but they informed him that they had no jurisdiction to examine his complaints.

18.4 Mr Sullivan denied provoking the applicant and maintained that the applicant was abusive and Mr Oldroyd had no recollection of the incident by June 1975 when the Government submitted their observations on the admissibility of the application.

19. 18 October 1971

19.1 The applicant alleged that he was asked by the senior medical officer about his mental health and said that he could be given a bed in Broadmoor Mental Hospital within ninety days. The applicant much resented inferences, not only by Dr Orr, that he was mad.

19.2 According to the Government, the applicant was seen by Dr Orr nearly every day, as part of the routine medical check of Rule 43 prisoners. The medical staff did wonder whether the applicant was suffering from a mental illness and conducted the appropriate investigations. In a report around this time Dr Orr concluded that the applicant was "an hysterical psychopath" who manipulated his environment. "His imaginary grievances have at times been so bizarre as to cast doubt as to the state of his mind. On investigation, however, there has never been any evidence to suggest that he is suffering from any form of mental disorder." As far as the staff were concerned therefore the applicant was responsible for his problems and no exception to the stringent conduct required by the Prison Rules was possible.

20. 21 October 1971

The applicant petitioned the Home Office for a transfer to another prison to enable him to come off Rule 43 detention. The request was refused as it was felt nothing could be gained by a transfer.

21. 22 October 1971

21.1 The applicant complained that his mother was turned away from the prison on the false excuse that he had refused to see her. The applicant claimed that the alleged lie was told so that his mother would not see that he had been beaten up.

21.2 The Government maintained that as the applicant was serving a disciplinary punishment at that time his mother's visit would have been "closed", i.e. the applicant would have been separated from his mother by a transparent shield. The applicant apparently refused to see his mother under such conditions.

22. 23 October 1971

22.1 The applicant alleged whilst being escorted by officer Stanhope on his daily exercise, the officer ordered the applicant to remove his hands from his pockets by saying "Get your gloves off, monkey". On failing to do so and at the top of a flight of stairs the applicant claimed that the officer dived at him, dragging him down the stairs and kicking his ankles. They exchanged abusive language whereupon the applicant was charged with failing to obey a lawful order of an officer and using threatening and abusive language.

22.2 He was found guilty of these offences the following day when the applicant also alleged that officer Swapp addressed insulting and threatening words to him. As a result of a petition of complaint concerning the two officers and their denials of the applicant's allegations, the applicant was warned about the possible serious disciplinary consequences of making false and malicious allegations about prison staff, whereupon the applicant apparently took his complaints no further at that stage.

23. 23 December 1971

23.1 The applicant complained that having been told by the priest that he could attend a carol service in the evening, he was unfairly refused permission to attend by officer Martins.

23.2 The Government stated that the applicant was not allowed to attend the carol service as the prison chapel was unable to accommodate all prisoners who wished to go and, in refusing permission, account was taken of the fact that Mr Hilton had attended a service in the chapel the evening before.

24. 10 February 1972

The applicant apparently asked the prison Governor what he intended to do about his complaints against officer Stanhope (complaint No 10 above). He was advised to state his complaint in writing, which he refused to do, and reminded of the disciplinary offence of making false and malicious allegations against prison staff. On raising his complaints with the Home Secretary, the Home Secretary made inquiries, but concluded that the allegations were unfounded.

25. 22 March 1972

The applicant stated that at this time he was serving a disciplinary punishment and was subjected to a strip search by two officers. During the search the applicant alleged that he was indecently assaulted and insulted by one of the officers, officer Turner. This officer confiscated a statement that the applicant had apparently written to the Commission. The applicant complained of indecent assault to the Governor and the Home Office who considered the allegations wholly unfounded. The applicant had been subjected to a routine search, documents had been taken from him but were later returned. The authorities, in the face of the applicant's adamant refusal to withdraw his complaint, charged him with making a false and malicious allegation against officer Turner. He was found guilty and punished for this offence by the Board of Visitors on 7 June 1972. At the hearing the applicant refused to speak as earlier he had submitted a written statement in which he accused the proceedings of being a farce.

26. 26 March 1972

26.1 The applicant attended a Sunday service in the prison chapel. He said something to his neighbour when he was allegedly told to "fucking shut up" by officer Tomlinson. Later on, back in his cell, the applicant claimed that officers Tomlinson and Brison entered and threatened him with violence, using foul language, because he had spoken in the chapel.

26.2 According to the Government the applicant was talking continuously during the service and was spoken to by the escorting officers, to whom he replied abusively. He was disciplined for doing so. Officer Tomlinson had no recollection of using foul language after this incident, or at any other time, to the applicant. Officer Brison was not on duty that day and, being an inspector, would, anyway, not have had reason to visit Mr Hilton's cell.

27. 10 June 1972

27.1 The applicant alleged that he was assaulted by officer Turner.

27.2 He also alleged that the following day he was again assaulted by officer Turner together with officer Atkinson. On this occasion he claimed that they led him on exercise into a little alley way behind the boiler house where they set upon him with their chains of keys, breaking a front tooth. He claimed that they later fabricated an assault charge against him.

27.3 According to the Government records, the applicant complained of an altercation with the officers on 10 June 1972. He apparently refused to return to his cell after being escorted by the two officers on exercise. He apparently insulted officer Turner and grabbed his jacket. He had to be forcibly returned to his cell. On 23 June 1972 he was disciplined for assaulting the officer and using abusive language. He said nothing at the disciplinary hearing. His petition to the Home Secretary dated 5 July 1972 complaining of the incident and requesting, inter alia, permission to instruct a solicitor, was rejected, the latter request having been overlooked by an administrative oversight.

27.4 There is no medical evidence of injury to the applicant.

28. 23 June 1972

28.1 The prison doctor visited him to make the routine medical check of a prisoner before he appears at a disciplinary hearing (the hearing mentioned in complaint No 15). The applicant claimed that the doctor walked into his cell and then walked out again immediately, falsely stating to a prison officer that the applicant had refused a medical examination.

28.2 The Government stated that the records indicated that the applicant refused to be examined.

28.3 The applicant also complained that later, on 23 June, his request for a photocopy of the charge sheet concerning officer Turner for the purposes of sending it to the Commission was refused, as it is not prison practice to supply such photocopies. He stated that this practice is wholly unjustifiable and unreasonable.

29. 6 July 1972

29.1 The applicant alleged that officer Osborne attempted to hit him with a broom.

29.2 The officer denied the allegation and said, moreover, that he had not witnessed any such attempt by any other officer.

30. 12 July 1972

The applicant complained of having to refuse to be escorted on exercise with officer Atkinson in view of his above allegations (complaint No 15).

31. 13 July 1972

31.1 The applicant again complained of having to refuse exercise escorted by officer Atkinson. The applicant was subsequently warned about making false and obscene allegations against the officer.

31.2 The applicant continued to refuse to exercise with officer Atkinson, in particular on 18, 19, 20, 21, 22 and 23 July 1972.

32. 23 July 1972

32.1 In the evening the applicant complained that as a result of an exchange of abuse between himself and officer Chapman, the night patrol officer deliberately failed to switch the applicant's cell light off. The applicant claims to have rung the emergency bell in his cell for an hour in order to have the light switched off, but no one answered him. The light was switched off much later.

32.2 The Government stated that there is no record of this incident.

33. 24 July 1972

33.1 The applicant alleged that he was called a "monkey" by officer Chapman. The applicant complained of this and of his cell light being left on the night before to the prison Governor, but to no avail.

33.2 The Government stated that there is no record of the incident or of a complaint. Officer Chapman had no recollection of the period concerned.

34. 25 - 28 July 1972

34.1 During this period the applicant complained that he had to refuse exercise with officers Chapman and Osborne as he suspected they intended to lead him to the alleyway behind the boilerhouse where he had allegedly been assaulted by officers Turner and Atkinson.

34.2 He claimed to have asked the prison Governor for protection from officer Osborne on 28 July 1972.

34.3 Again, the Government had no record of, and the officers no recollection of, such complaints, apart from noting the applicant had refused to exercise which, as explained above (Government attitude to complaint No 4), was deemed unreasonable.

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35. 9 August 1972

35.1 The applicant complained of his removal to the prison hospital for thirteen days to undergo observations as to his mental health. The applicant resented the suggestion that he was insane and further complained of a lack of writing facilities for his letters to the Commission.

35.2 The Government stated that the applicant was admitted to the hospital because his apparently paranoid, false allegations of ill-treatment caused concern for his mental health. However, once settled into the hospital, the applicant associated normally with staff and fellow patients and the staff concluded he was not mentally ill.

35.3 There is no record that the applicant's writing facilities in respect of his application to the Commission were in any way restricted whilst in hospital or otherwise.

36. 27 September 1972

36.1 The applicant complained of victimisation and hounding to which he was allegedly subjected by Assistant Governor Jennings.

36.2 On that day in particular he claimed to have been unfairly disciplined for using abusive and threatening language to Mr Jennings.

36.3 Mr Jennings denied victimising the applicant. He claimed to have treated the applicant like any other prisoner, demanding his observance of the Prison Rules. The applicant was apparently often abusive to him but Mr Jennings only reported him for a disciplinary offence when the abuse was uttered in front of other staff or prisoners.

37. 20 October 1972

37.1 The applicant complained of the manner in which he was transferred to Liverpool prison that day - without notice.

37.2 The Government justified the transfer as being in the applicant's and staff's interests. It was hoped that a change of scene might help him. It is true, however, that the applicant continued to be detained as a Rule 43 prisoner at his own request, but this was allowed in order to gain his co-operation not because it was deemed necessary.

37.3 The applicant further complained of his transfer to Liverpool because officers Turner and Barker had also been transferred there, albeit earlier. He claimed that he was therefore still subjected to ill-treatment from them.

37.4 The Government stated that these officers had gone to Liverpool prison on their own initiative to further their careers, i.e. for promotions. They had little to no contact with the applicant and certainly did not ill-treat him.

38. 5 November 1972

38.1 The applicant alleged that he was taken out of the prison chapel, where he had been attending a service, and beaten up by several prison officers. He claimed to have been insulted and made to strip. Moreover he said that his notes to the Commission were overturned and everything taken out of his cell except his shoes. He immediately wrote a letter of complaint to the Commission, but whilst writing the applicant alleged that a warder calling himself "Fred" came in and hit him eight times.

38.2 The applicant stated that later on the prison doctor visited him and apparently remarked to the escorting officer "no marks". He asked the applicant if he wanted a calming drug but the applicant refused because he felt frightened.

38.3 The applicant went on to allege that officer "Fred" ordered him out of his cell to fetch his dinner. The applicant intended to put his shoes on which he had been obliged to leave outside his cell, but the officer forbade him to do so. The applicant claimed therefore to have been unable to fetch his meal and was obliged to lie on the floor as the bed had also been removed from the cell.

38.4 After about three hours he was allowed to put his things back in the cell. He asked for the doctor as his kidneys were hurting. Eventually the doctor visited him again and allegedly pretended to give him a diuretic but in fact gave him a sleeping drug.

38.5 The following day the applicant was charged with using threatening and abusive language to officers whilst attending the service. At the usual pre-disciplinary hearing medical check, the applicant complained of aching, particularly of earache. The doctor found nothing wrong with him. He was found guilty and disciplined for insulting the officers.

38.6 The Government records showed that, having been warned three times about talking at the chapel service, the applicant finally replied abusively and was escorted back to his cell where he underwent a routine personal search. On being searched the applicant accused an officer of assault and called him a pig. At the disciplinary hearing he apologised for his outburst which he said had been because he had felt frightened.

38.7 There are no records of the applicant's medical complaints.

38.8 The applicant had not been allowed shoes in his cell as a routine precaution for prisoners deemed to be aggressive. He was apparently allowed slippers to wear in his cell.

39. 7 November 1972

39.1 The applicant complained that in the morning he was unlocked by three officers who became aggressive when he asked to see the Governor. The senior medical officer's medical check apparently consisted of him putting his head round the applicant's cell door and then withdrawing saying to the escorting officer, "Yes. He's all right."

39.2 The Governor allegedly warned the applicant about making false allegations to the Commission. The applicant claimed to have said, "Will you stop threatening me?" To which the Governor is said to have replied, "Sooner or later, Hilton, you will do things my way in here and not your own."

39.3 When back in his cell the applicant complained of yet another strip search by an officer with a moustache. He considered this to be harassment and victimisation.

39.4 He raised his complaints with the Board of Visitors and asked for protection on 8 November. However, after making inquiries, they found the applicant's complaints to be groundless.

39.5 The Government commented that routine strip searches together with cell searches were necessary to ensure that the prisoner did not hide implements or other utensils to effect an escape.

40. 25 November 1972

40.1 The applicant complained that his sister, who arrived at the prison to see him, was refused a visitor's pass. He alleged that this was unfair as other people arriving on the off-chance were usually allowed visits.

40.2 The Government commented that there was no record of the applicant's sister's appearance or the refusal of a visit. The applicant had the usual quota of visiting orders to send to his family or friends. They added that it is not always necessary to have a visitor's pass to pay a visit, depending on the staff available and the number of visits to the prison on a particular day.

41. 10 January 1973

41.1 The applicant complained of being threatened, abused and insulted about his colour and race by officers Hayward and Hall, particularly in respect of his application to the Commission.

41.2 These officers denied the applicant's allegations and stated that the applicant had no cause to bear them any grievance.

42. 17 January 1973

The applicant complained of ill-treatment by officer Edwards.

43. 18 February 1973

The applicant stated that he was not promptly assisted when he was sick.

44. 19 February 1973

The applicant requested protection from officer Edwards and Deputy Governor Cooper.

45. 20 February 1973

The applicant alleged that patrolling officers called up to his cell that he was a "wild animal" and that when fetching his tea he was deliberately knocked by officer Wilcox.

46. 24 February 1973

The applicant complained that officer McCully shouted, without reason, at the applicant about "his fucking pens" and the "fucking human rights".

47. On or around 26 February 1973

A note was put under the applicant's cell door which read "ANY MORE OF YOUR FUCKING NONSENSE AND YOU'RE FOR IT. WE HAVE JUST HAD ENOUGH. SIGNED THE WHITE TRASH." The applicant concluded that this was from certain prison staff.

48. 4 March 1973

48.1 The applicant alleged that officer Edwards threw metal objects at him. Officer Edwards whom the applicant described as being very big, weighing about 18 stone, is alleged to have pushed, bumped, insulted, threatened (including a threat of death) and searched the applicant in a degrading manner.

48.2 On this day the applicant claimed that he had also been abused by officer Walker and others.

49. Between 17 and 18 March 1973

49.2 The applicant complained of being "boxed-in" and bumped by officers Owen and Perkins in a corridor, of being denied the possibility to "slop out" (empty his sanitary pot), to wash or go to the prison canteen. He alleged that he had been insulted and abused by officers.

49.3 All the officers cited in this and the preceding complaints (complaints No 30 onwards) denied the applicant's allegations or that they gave him cause to request any protection from them.

49.4 Officer Edwards stated that being in charge of the punishment landing he had had a lot of contact with the applicant whom he found uncooperative and uncommunicative, but not altogether impossible as he had never had to report the applicant for a disciplinary offence. (NB Mr Edwards at the time of the Leeds hearing was of average size and weight.) He said that he had treated Mr Hilton normally, like any other prisoner.

49.5 The Government commented that it was difficult to make Mr Hilton take a bath or wash himself. Records show that he did have a bath and "slop out" normally at this time.

50. 23 March 1973

50.1 The applicant complained he had been bumped into by officer Walker, allegedly "a giant" compared with the applicant. He alleged that as a result he had a swollen face.

50.2 The officer denied the allegation.

51. 25 March 1973

51.1 The applicant complained that the prison doctor did nothing for his swollen face.

51.2 The Government stated that there are no medical records of any injury suffered by the applicant either on this occasion or in respect of the preceding complaints (No 30 onwards).

52. 5 April 1973

52.1 The applicant complained of being unjustifiably charged and punished for using abusive and threatening language to officer Scott although he claimed to have never spoken to him. His punishment included a bread and water diet.

52.2 The Government records disclosed that the applicant was alleged to have shouted abuse at officer Edwards in the presence of officer Scott and threatened to kill another officer. The applicant said nothing at the disciplinary hearing. Because of the applicant's apparently continuous threats to kill staff, it was decided in July 1973 only to unlock the applicant in the presence of a senior officer and two others.

53. 14 May 1973

53.1 The applicant alleged that when he was "slopping out" he was assaulted by officer Mount. Officer Hall who witnessed this allegedly told officer Mount to "fucking nick him for assault". Officer Walker allegedly then came down the stairs and asked, "Fucking bear baiting, are we?" The applicant claimed that he did not retaliate but went to write a letter to the Commission to which officer Mount allegedly remarked, "Do you think that bothers me? I don't give a fuck about that. That's fuck all to me, you cunt!"

53.2 The officers have denied all the applicant's allegations. All they recalled was that the applicant was uncooperative and hardly ever spoke to them.

54. 18 May 1973

54.1 The applicant complained that he had only been allowed a bath and a change of clean clothes three times in eight weeks, instead of once a week. Also he stated that he had only been allowed access to the canteen to spend his wages four times in eight weeks instead of once a week and on two of those occasions he was not allowed to spend his money. He had apparently been told that the reason for such treatment was because he did not speak to officers. But the applicant refused to do so because he was apparently frightened of them.

54.2 The Government commented again about the difficulties of making the applicant bath and wear clean clothes. At this stage they stated that he refused to speak or cooperate with the prison staff even when offered the possibility of going to the canteen.

55. 19 May 1973

55.1 The applicant complained of being pushed by officer Edwards into his cell, making him spill the bowl of water he was carrying. He also alleged that officer Edwards threatened him with his fist.

55.2 The officer denied such allegations.

55.3 At about this time the applicant had seven days lost remission restored by the Home Secretary as a reward, and in an attempt to restore his confidence in prison staff, for having warned Officer Cook of the danger of some falling rubbish.

54. 23 May 1973

54.1 The applicant complained frequently of delaying tactics by officers in accepting his letters to the Commission for posting and supplying him with further pieces of foolscap to write more letters of complaint to the Commission.

54.2 The Government denied the applicant's allegations and cited records of the innumerable occasions the applicant had been supplied with paper for his application to the Commission as was born out by the numerous letters received by the Commission from the applicant.

55. 24 May 1973

The applicant alleged that he had been deliberately tripped up and kicked by officer Edwards.

56. 26 May 1973

The applicant complained of being "kneed" by officer Wilcox.

57. 6 June 1973

The applicant complained of being insulted, pushed and dragged along the floor by officer Mount.

58. 8 June 1973

The applicant alleged that he had been insulted, provoked and threatened with a disciplinary charge by officer McCully, that he had been bumped and pushed by officer Edwards and that he had been threatened with a beating by officer Colgar and others who entered his cell.

58.2 The officers cited in this and the preceding complaints (No 40 onwards) denied all the applicant's allegations.

59. January 1974

By the end of the applicant's detention in Liverpool prison he was in a depressed state. He came to feel that he was like an animal, to such an extent that he would roll in his own excrement on the floor of his cell. It is recorded that early in January he was found one day at four in the morning "to have made a small cut on his wrist with glass broken from his mirror" and had rubbed "his own excreta onto his body, his face, his hair, and into the wound" (Report of the Liverpool Prison Governor to the Regional Office).

60. As a result of this state of affairs the applicant was transferred to Hull Prison to serve the last six weeks of his sentence on 24 January 1974. He was released from Hull Prison on 22 February 1974.

III. GENERAL OBSERVATIONS OF THE PARTIES

A. Submissions of the Government

61. Most of the Government's submissions related to the facts of the case and have been incorporated in the preceding "Establishment of the facts".

1. Complaints of ill-treatment: Art. 3 of the Convention

(i) Allegations of threats, violence and abuse from prison officers

62. The Government submitted that there was no evidence of any ill-treatment of the applicant and therefore no evidence of a possible breach of Art. 3 of the Convention. In their opinion the applicant's allegations can only be considered to be a "total misrepresentation" or gross exaggeration of what actually happened.

(ii) Placement under Rule 43

63. The Government maintained that no violation of Art. 3 was disclosed from the detention of the applicant under this rule in view of the fact that it was at his own request for the most part and despite frequent suggestions from the prison staff that he resume normal prison life. The Government acknowledged the Commission's views in the Greek case that action which drives someone to act against his will might constitute degrading treatment, but it was submitted that the applicant's fears were wholly without justification. The authorities, although of this view, permitted the applicant to be placed under Rule 43 in an effort to encourage him, by such co-operation on their part, to develop a more stable attitude. The Government also contended that there was no breach of Art. 3 in the conditions of detention, as such, under Rule 43.

(iii) Adjudication and punishment on charges under Prison Rules

64. The Government submitted that the process of adjudication of disciplinary charges under the Prison Rules is not a matter that falls within the scope of Art. 3. Nevertheless, they pointed out that the applicant's allegations regarding fabricated disciplinary charges and evidence were denied; the applicant was informed of the disciplinary charges against him beforehand and given a full opportunity to put his case. They concluded therefore that his complaints in this respect were wholly unfounded and did not disclose any appearance of a violation of Art. 3 of the Convention.

(iv) Exercise facilities

65. The Government stated that the applicant had every opportunity to take proper exercise, that he refused those opportunities for fears which were wholly groundless. They contended that the applicant had no cause to fear various prison officers and that it was impossible to arrange staffing to suit a particular prisoner. The applicant's refusals to take exercise, the Government considered, were, therefore, unreasonable and any disagreeable consequences were his own responsibility.

66. The Government acknowledged that the applicant reached a degraded state by the end of his imprisonment at Liverpool prison. However they submitted that this was of his own doing. It was certainly not the intention of the prison authorities to reduce him to such a state.

67. They contended that everything possible within the prison system had been done for the applicant and queried the alternatives which would have been possible:- the applicant could not have gone to a special mental hospital as the prison medical staff could not certify that the applicant was insane; he was not a suitable prisoner for the one special Rule 43 prison available at that time partly because he was not within the geographical catchment area of that prison and partly because of his subversive, wholly uncooperative attitude and his facility to alienate all persons around him, both staff and fellow prisoners, and to be a generally disruptive influence. Moreover it was not possible to create a "psychological soft cell" for the applicant within Leeds or Liverpool prisons by devising a unique method of supervising his imprisonment.

68. On the whole therefore the applicant was obliged to conform to the normal prison requirements. As it was, the Government submitted, the applicant was treated indulgently in the circumstances. The number of occasions when his outbursts were overlooked or his wild allegations were ignored far exceeded those occasions when he was disciplined. The Government also stated that various attempts were made to assist the applicant, e.g. by the medical staff, the prison chaplain and welfare services but the applicant rejected all such assistance.

69. The Government concluded therefore that there had been no breach of Art. 3 of the Convention in the treatment of the applicant.

2. The refusal of the Home Secretary to allow the applicant to instruct a solicitor: Art. 6 (1) of the Convention

70. The applicant made two requests to instruct a solicitor concerning the injury to his finger in June 1971 and July 1972.

71. On the first occasion the refusal was given before the Commission's Reports in the Knacht and Golder cases and the consequent policy changes by the Home Office allowing access to solicitors in respect of civil proceedings. The second occasion was a regrettable oversight in view of the

numerous petitions submitted by the applicant at that time. However the Government submitted that as the applicant sustained no permanent disability to his finger, he was not time-barred from bringing civil action on his release and the Prison Rules have been suitably amended, no purpose would be served in pursuing the matter further.

B. Submissions of the applicant

1. Complaints of ill-treatment: Art. 3 of the Convention

72. The applicant maintained all his allegations of ill-treatment which in his submission amounted to a breach of Art. 3 of the Convention. The alleged assaults and abuse from prison staff, he claimed, constituted mental and physical torture. Furthermore he submitted that his detention removed from association with other prisoners under Rule 43 of the Prison Rules was not for his own protection but was "undue, unjust and unjustified punishment", inordinately long, consisting of 23 hours a day solitary confinement, involving loss of privileges and causing him severe mental strain and degradation.

73. Finally he contended that the cumulative effect of solitary confinement, alleged ill-treatment deliberately inflicted, the refusal by all concerned to investigate, or cause to be investigated, the complaints of brutality he was making against prison officers, the incessant complaints that were made against him and subsequent disciplinary proceedings which allegedly ignored the rules of natural justice and the continuous loss of privileges, resulted in his total degradation and constituted a breach of Art. 3 of the Convention.

2. The refusal of the Home Secretary to allow the applicant to instruct a solicitor: Art. 6 (1) of the Convention

74. The applicant submitted that the refusals of access to a solicitor, admitted by the Government, effectively denied him access to the courts in respect of proposed civil proceedings and therefore constituted a clear violation of Art. 6 (1) of the Convention as interpreted by the European Court of Human Rights in its Judgment of 21 February 1975 in the Golder case.

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IV. POINTS AT ISSUE

75. The following issues arise under the Convention:

- 1) Whether the treatment of the applicant whilst at Leeds and Liverpool Prisons, in particular instances, amounted to inhuman or degrading treatment or punishment contrary to Art. 3 of the Convention;
- 2) Whether the treatment of the applicant whilst at Leeds and Liverpool Prisons, in general, amounted to inhuman or degrading treatment or punishment contrary to Art. 3 of the Convention;
- 3) Whether the authorities' refusals to allow the applicant to instruct a solicitor concerning prospective civil proceedings amounted to breaches of Art. 6 (1) of the Convention.

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V. OPINION OF THE COMMISSION

A. Art. 3 of the Convention

1. General legal issues

76. The central issue in this application is whether the treatment of the applicant whilst detained in Leeds and Liverpool Prisons between June 1971 and January 1974, either in particular instances or in general, amounted to a breach of Art. 3 of the Convention.

77. Art. 3 provides that:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

78. As to the definition of these terms, the parties have referred the Commission to its jurisprudence in the inter-State cases, in particular the Greek Case (Applications No 3321/67, Denmark v. Greece; No 3322/67, Norway v. Greece; No 3323/67, Sweden v. Greece; No 3344/67, the Netherlands v. Greece).

79. In the Greek case the Commission was of the opinion that:

"The notion of inhuman treatment covers at least such treatment as deliberately causes severe suffering, mental or physical, which, in the particular situation is unjustifiable. The word 'torture' is often used to describe inhuman treatment, which has a purpose, such as the obtaining of information or confessions, or the infliction of punishment, and it is generally an aggravated form of inhuman treatment. Treatment or punishment of an individual may be said to be degrading if it grossly humiliates him before others or drives him to act against his will or conscience." (Yearbook 12, The Greek Case, p. 186)

80. In the case of Tyrer v. the United Kingdom (Application No 5856/72) however, the Commission pointed out that reference to the inter-State cases for a definition of degrading treatment is not necessarily relevant to an application of the present kind as the inter-State cases have arisen out of emergency situations and involved allegations of torture, or treatment akin to torture.

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81. Thus not all treatment in breach of Art. 3 need be qualified by such adjectives as atrocious or gross. Suffice it to say, as reaffirmed by the European Court of Human Rights in the Case of Ireland against the United Kingdom that the "ill-treatment must attain a certain level of severity if it is to fall within the scope of Art. 3. The assessment of this minimum is, in the nature of things, relative; it depends on all the circumstances of the case, such as the duration of the treatment, its physical or mental effects and, in some cases, the sex, age and state of health of the victim, etc." (para. 162 of Judgment of 18 January 1978).

82. Whether the treatment of the applicant amounted to a breach of Art. 3 of the Convention depends upon a detailed assessment of the facts as regards both specific and general allegations.

2. The applicant's specific allegations of ill-treatment

83. It has proved difficult to establish the facts of any of the applicant's allegations of assault, victimisation, harassment, racism or abuse from prison staff at Leeds and Liverpool Prisons between June 1971 and January 1974. All such allegations have been denied.

84. The applicant, at the Paris hearing, appeared to sincerely believe his account of the case and at that stage there was no indication that it was untrue.

85. However there is no objective evidence in support of any of the allegations made by him; for example, there is no medical evidence of injury sustained by assault.

86. As a result of the delegates' investigation of the facts of the case, it is possible on occasions to further doubt the credibility of the applicant's allegations, e.g. officer Edwards, about whom the applicant complained frequently, was described by the applicant as being "an 18 stone giant" (complaint No 36) but at the Leeds hearing was seen to be of a moderate height and size; the "alleyway" behind the boiler house where officers Turner and Atkinson allegedly took the applicant on exercise and assaulted him is not a small narrow passage hidden from view, as was implied by the applicant, but a fairly wide area in good view of one of the prison blocks and passing prisoners on exercise and is used as a small exercise yard for prisoners removed from association with other prisoners who are apparently exercised on their own or in pairs escorted by two officers when the other exercise yards are in use.

87. Nevertheless, the Commission has to conclude on the evidence that in respect of the applicant's allegations of specific incidents of ill-treatment no breach of Art. 3 of the Convention is disclosed.

3. The general treatment of the applicant

88. The question remains whether the general treatment of the applicant, by act or omission, in its cumulative effect, amounted to such a breach.

89. It is clear that the applicant was an extremely difficult prisoner to handle. He has spent many years of his life in custodial institutions since he was a juvenile. Previous periods of imprisonment have caused him similar problems, although not to the extent alleged in the present application. His difficulties at Leeds and Liverpool prisons may partly have stemmed from the fact that he was serving his longest period of imprisonment.

90. When he entered Leeds prison in 1971 he was an apparently ordinary prisoner, even though he was disciplined a few times during those first months. His work record in the prison tube shop, for example, was satisfactory. But in June 1971 he injured his finger at work from which time it appears that his real problems began.

91. A source of frustration and bitterness for him was the prohibition by the prison authorities of access to outside advice, such as from a solicitor, concerning his grievances. Complaints had to be aired through the internal prison channels in which the applicant had no confidence.

92. He placed no reliance on the prison staff and feared hostility from fellow prisoners. He was thus in the unique position of feeling alienated from both staff and prisoners and avoided contact with any of them.

93. The staff attitude towards him was cautious; he was considered to be a "trouble-maker". Thus his abuse and misdemeanours were met with strict disciplinary sanctions, particularly as he was deemed mentally responsible for his acts. The applicant's life accordingly alternated between being removed from association with other prisoners at his own request for fear of hostilities from them and being removed from association as a punishment.

94. Cut off in this way from normal prison life, partly at his own request, the applicant suffered and was unable to cope. The applicant over-reacted to the prison disciplinary system. The prison staff unfortunately, in their turn, reacted by applying further disciplinary measures, with perhaps unnecessary rigour.

95. By the end of his imprisonment in Liverpool prison in January 1974 the applicant was in a deplorable state. As described by the Government:

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"If a man covers himself in excreta, well then arguably that is properly to be regarded as a degraded state."
(Verbatim Record, Strasbourg hearing, July 1977, page 31.)

96. The Commission has therefore examined whether the applicant could be said to have been treated generally in a degrading manner. It does not consider that a question of torture or inhuman treatment arises from the facts of the case.

97. As said above, the Commission does not find proved any of the specific allegations of ill-treatment put forward by the applicant. There is no evidence that the applicant was deliberately treated in a degrading manner. But such factors as the conditions of overcrowding and understaffing disclosed by this application and the rigorous, impersonal application of disciplinary measures, on occasions to the point of absurdity (for example, the applicant's punishment for putting his hands in his pockets - complaint No 10) all had their depressing and discouraging effect upon the applicant.

98. Equally, the applicant's own personality was a contributing factor. Even though he was not deemed certifiably mentally ill, he was a stressful personality unable to accept the realities of imprisonment. He overreacted and was over-sensitive to all disagreements associated with his imprisonment. The applicant was particularly sensitive about references to the colour of his skin, but the Government informed the Commission that no account is taken of a prisoner's race, thus perhaps ignoring very real problems which may arise in certain circumstances. It is evident, nevertheless, that the applicant constituted a provocation for the staff and presented them with a particularly difficult situation - whether to ignore him, humour him, oblige him to conform or try to help him.

99. The Commission has considered whether the authorities' failure to cope with such an odd personality amounted to a breach of Art. 3 of the Convention.

100. In this respect the Commission has noted the various positive efforts, albeit unsuccessful, which the prison authorities made to help the applicant: his transfer to Liverpool prison and, at the end of his sentence, to Hull prison, the more or less continued observation made by the prison medical staff of the applicant's mental health to see whether he should be transferred to a special mental hospital such as Broadmoor, the accession to the applicant's request to be removed from association with other prisoners in order to re-establish his confidence in the staff, the restoration of lost remission for sociable behaviour, again in an effort to re-establish this confidence (complaint No 43) and the visits by the prison chaplain, other religious functionaries and welfare officers.

101. In the opinion of the prison authorities the applicant could not have been put in a special mental hospital and he was not suitable for the one special prison existing at that time for persons who would normally be removed from association with other prisoners under Rule 43 of the Prison Rules because of hostility they would face for their previous convictions, usually for sexual offences. The applicant was unsuitable for such a prison as he had no such record and would not have integrated with such prisoners as he was an abrasive character. Moreover, there were, and still are, regrettable limitations on normal prisons, because of understaffing and overcrowding, which make it difficult to give special attention to an individual prisoner's problems.

102. The Commission concludes therefore that the general treatment of the applicant, although extremely unsatisfactory in all the circumstances of the case, did not amount to degrading treatment contrary to Art. 3 of the Convention.

B. Art. 6 (1) of the Convention

103. The applicant has complained of the refusal by the Home Secretary of his petition in June 1971 for permission to seek legal advice from a solicitor with a view to instituting civil proceedings, following the injury to his finger. He also complained of an oversight by the Home Office in their failure to reply to his petition of 5 July 1972 requesting permission to instruct a solicitor about civil proceedings, following an alleged assault by prison officers. The applicant submitted that these prohibitions constituted a denial of access to the civil courts, a right ensured by Art. 6 (1) of the Convention as interpreted by the European Court of Human Rights in its Judgment of 21 February 1975 in the Golder case.

104. Art. 6 (1) of the Convention provides that "In the determination of his civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

105. In its Judgment in the Golder case the Court considered that this right would be of no value if there was no possibility of instituting such proceedings. Hence it held that "Art. 6 (1) secures to everyone the right to have any claim relating to his civil rights and obligations brought before a court or tribunal. In this way the Article embodies 'the right to a court', of which the right of access, that is the right to institute proceedings before courts in civil matters, constitutes one aspect only. To this are added the guarantees laid down by Art. 6 (1) as regards the organisation and composition of the court, and the content of the proceedings. In sum, the whole makes up the right to a fair hearing". (Eur. Court H.R., Golder Case, Judgment of 21 February 1975, Series A, Vol. 18, p. 18, para. 36.)'

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106. In the present case the Commission finds that it was the applicant's intention to institute civil proceedings against prison staff and the prison authorities for the injury to his finger and the alleged assault. The applicant was respectively refused permission to do so in June 1971 and prevented from doing so in July 1972 by the Home Secretary.

107. As in the Golder case, therefore, the Home Secretary "actually impeded the launching of the contemplated action. Without formally denying /the applicant/ his right to institute proceedings before a Court, the Home Secretary did in fact prevent him from commencing an action at that time Hindrance in fact can contravene the Convention just like a legal impediment" (Eur. Court H.R., Golder Case, Judgment of 21 February 1975, Series A, Vol. 18, p. 13, para. 2B). In his denials of authorisation to institute proceedings, the Home Secretary failed to respect Mr Hilton's right to go before a civil court as guaranteed by Art. 6 (1) of the Convention.

CONCLUSION

108. 1. The Commission is of the opinion, by a vote of ten to four that no breach of Art. 3 is disclosed by the facts of the case.

109. 2. The Commission is unanimously of the opinion that the facts of the complaint concerning denial of access to the courts disclose a breach of Art. 6 (1) of the Convention.

Secretary to the Commission

Acting President of the Commission

(H.C. KRUGER)

(C.A. NØRGAARD)

ent. 1972
May 1972

Dissenting Opinion of

Messrs. Fawcett, Tenekides, Trechsel & Klecker

We agree with the opinion of the Commission that as regards the applicant's allegations of specific incidents of ill-treatment no breach of Art. 3 of the Convention is disclosed.

However, in disagreement with the majority opinion of the Commission, we consider that the general treatment of the applicant in its cumulative effect, constituted degrading treatment contrary to Art. 3 of the Convention.

We are not denying that the applicant became an uncooperative, difficult prisoner. It is clear that he had genuine problems but also that he was not essentially bad or evil or out to cause trouble. He was emotionally and psychologically disturbed and unable to cope with his situation. It appears that he over-reacted to many of the incidents which occurred, which may account for his vociferous and somewhat exaggerated allegations to the Commission.

We find it inadmissible that a prison system should reduce a prisoner to an "animal-like" state, to use the phrase frequently mentioned in this case, whatever his difficulties.

Dr Orr's assessment of the applicant, that he was not suffering from a mental disorder, seems to be inconsistent with the description of the applicant by Dr Orr himself as an "hysterical psychopath". And we find it surprising that no thorough study of the applicant's mental health was conducted by a specialised psychiatrist in addition to the periodical general observations made by the prison medical staff.

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In our view, however, this question of fact is not decisive in the case. Whether or not one assumes that the applicant was mentally disturbed, the extremely repressive application of disciplinary measures with its destructive effect on the applicant amounted to degrading treatment contrary to Art. 3 of the Convention.

The inflexibility of the prison staff in their rigorous insistence that the applicant conform to the Prison Rules, the isolation of the applicant under Rule 43 from other prisoners and from contact with outside help, such as from lawyers, the lack of facilities in the prisons concerned, the understaffing and overcrowding, all took their toll on the applicant.

Even though particular individuals in the prison authority may not have intended the applicant's decline, nevertheless it was the result of his treatment that he was reduced to a state of self-degradation for which no serious solution was attempted or found.

We conclude therefore that the general treatment of the applicant was degrading contrary to Art. 3 of the Convention.

Appendix I

HISTORY OF PROCEEDINGS

Item	Date	Note
Date of Introduction of application	4 May 1972	
Date of its registration	5 July 1972	
Applicant's request to withhold examination of the admissibility of his application pending his further submissions	12 January 1973	
Commission's deliberations on the admissibility of the case and decision to notify the United Kingdom Government of the application and to invite their observations on its admissibility	18 December 1974	MM. Sperduti Fawcett Ermacora Triantafyllides Welter Busuttil Kellberg Daver Mangan Custers Nørgaard Polak Frowein Jörundsson Dupuy
Date of Government's observations on admissibility	17 June 1975	
Date of applicant's observations on admissibility in reply	22 September 1975	
Commission's deliberations on the admissibility of this case and decision to declare it admissible insofar as it concerned allegations of ill-treatment (Art. 3), of access to a solicitor (Art. 6(1)) and censorship of correspondence (Art. 8).	5 March 1976	MM. Nørgaard Fawcett Busuttil Kellberg Custers Polak Frowein Jörundsson Dupuy Tenekides Trechsel Kiernan Klecker

Item	Date	Note
Oral hearing by the delegates of the Commission of the applicant in person at the Council of Europe's Paris Office	23 April 1976	<u>Delegates:</u> MM. M. Triantafyllides S. Trechsel B. Kiernan <u>For the applicant:</u> MM. A. Khan M. Gold <u>For the Government</u> Mrs. E. M. Denza Mr. P. Fifoot Miss S. Austin Mr. D. Turnham
Oral hearing by the delegates of the Commission of 17 witnesses proposed by both parties, held in Leeds (U.K.)	19-21 July 1976	<u>Delegates:</u> MM. M. Triantafyllides S. Trechsel B. Kiernan N. Klecker <u>For the applicant:</u> MM. A. Khan M. Gold <u>For the Government:</u> Mrs. E. M. Denza Mr. S. Brown Miss S. Austin MM. D. Turnham J. A. Wilkinson H. B. Jones A. J. Woods
Commission's deliberations on the merits of the case	30 September 1976	MM. Nørgaard Fawcett Sperduti Ermacora Triantafyllides Busuttil Kellberg Daver Opsahl Custers Polak Frowdin Jönrnesson Dupuy Tenevides Trechsel Kiernan Klecker

Item	Date	Note
Commission's deliberations on the merits of the case and decision to invite the parties to an oral hearing in Strasbourg to present their conclusions on the merits of the application	9 March 1977	MM. Sperduti Nørgaard Busuttil Kellberg Daver Opsahl Custers Polak Frowein Jörundsson Tenekides Trechsel Kiernan Klecker
Oral hearing of the parties' conclusions 8 July 1977 on the merits of the case and deliberations of the Commission		MM. Nørgaard Fawcett Sperduti Ermacora Triantafyllides Busuttil Kellberg Daver Opsahl Custers Frowein Dupuy Tenekides Trechsel Kiernan Klecker
		<u>For the applicant:</u> MM. A. Khan M. Gold
		<u>For the Government:</u> Mrs. E. Denza MM. Brown Williams Turnham
Commission's deliberations on the merits of the case	8 October 1977	MM. Nørgaard Fawcett Ermacora Triantafyllides Busuttil Kellberg Daver Opsahl Polak Jörundsson Dupuy Tenekides Kiernan Klecker

Item	Date	Note
Commission's deliberations on the merits of the case	6 December 1977	MM. Nørgaard Fawcett Sperduti Daver Opsahl Custers Polak Frowein Jörundsson Tenekides Kiernan Klecker
Commission's deliberations and final note on the merits of the case	6 March 1978	MM. Nørgaard Fawcett Sperduti Busuttil Kellberg Daver Custers Polak Frowein Jörundsson Tenekides Trechsel Kiernan Klecker