

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

FOURTH SECTION

DECISION

PILOT-JUDGMENT PROCEDURE

AS TO THE ADMISSIBILITY OF

Application no. 7446/03
by Adam EWIAK
against Poland

The European Court of Human Rights (Fourth Section), sitting on 14 December 2010 as a Chamber composed of:

Nicolas Bratza, *President,*
Lech Garlicki,
Ljiljana Mijović,
Ján Šikuta,
Mihai Poalelungi,
Nebojša Vučinić,
Vincent A. de Gaetano, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 12 February 2003,

Having regard to the final pilot judgments in the cases of *Orchowski v. Poland* (no. 17885/04) and *Norbert Sikorski v. Poland* (no. 17599/05) delivered on 22 October 2009, in particular to the finding under Article 46 of the Convention that overcrowding in Polish prisons and remand centres revealed a structural problem,

Having regard to the decisions to declare the applications *Łatak v. Poland* (no. 52070/08) and *Łomiński v. Poland* (no. 33502/09) inadmissible for non-exhaustion of domestic remedies,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Adam Ewiak, is a Polish national who was born in 1972 and is currently detained in Wołów Prison. He was represented before the Court by Mr K. Uczkiewicz, a lawyer practising in Wrocław.

A. Particular circumstances of the case

1. Period of the applicant's detention

On 19 August 2000 the applicant was committed to Strzelin Prison and then detained continuously in several penitentiary facilities. On 17 October 2001 he was transferred to Wołów Prison where he is currently detained.

2. Conditions of the applicant's detention

The applicant maintained that throughout his detention he was held in overcrowded cells in conditions below the basic standard of hygiene.

The Government submitted that until 17 October 2001 the applicant had been detained in cells with a surface area of at least 3 m² per person. More recently, the Government also submitted that on an unspecified date, presumably in November 2009, the applicant had been placed in a cell in which the statutory minimum standard of 3 m² per person was respected. The applicant did not contest this submission.

3. The applicant's actions concerning the conditions of his detention

The applicant did not lodge any complaints with the penitentiary authorities regarding the conditions of his detention. Nor did he bring a civil action in tort to seek compensation for the alleged breach of his personal rights.

B. Relevant domestic law and practice

(See *Siedlecki and 9 other applications v. Poland*, no. 5246/03).

COMPLAINTS

(See *Siedlecki and 9 other applications v. Poland*, no. 5246/03).

THE LAW

(See *Siedlecki and 9 other applications v. Poland*, no. 5246/03).

For these reasons, the Court unanimously

Declares the application inadmissible.

Fatoş Aracı
Deputy Registrar

Nicolas Bratza
President