

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

FIFTH SECTION

DECISION

Application no. 6074/10
Zlato FARČNIK
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 2 October 2012 as a Committee composed of:

Ann Power-Forde, *President,*
Boštjan M. Zupančič,
Angelika Nußberger, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 18 December 2009,

Having deliberated, decides as follows:

## THE FACTS

The applicant, Mr Zlato Farčnik, is a Slovenian national, who was born in 1972 and lives in Laško. He is represented before the Court by Odvetniška Družba Matoz o.p. d.o.o., a lawyer practising in Koper. The Slovenian Government ("the Government") are represented by their Agent, Mrs T. Mihelič Žitko, State Attorney.

The applicant has been serving a sentence in the closed section of Dob Prison since 28 July 2008. Since 6 August 2008 he has been held in a cell no 7, Block 4 which measured 58.94 square metres and held fifteen inmates (3.93 square metres of personal space available to each inmate).

As regards the facilities available to the applicant in the cell and common areas, as well as the health care regime in the prison, the conditions imposed on the applicant regarding activities outside the cell and contact with the outside world in general, see the Court's decision in the case of

*Lalić and Others v. Slovenia* (dec.), nos. 5711/10, 5719/10, 5754/10, 5803/10, 5956/10, 5958/10, 5987/10, 6091/10, 6647/10 and 6893/10, 27 September 2011.

## COMPLAINTS

The applicant complained that the conditions of his detention in Dob Prison amounted to a violation of Articles 3 and 8 of the Convention. In particular, he complained of severe overcrowding, which had led to a lack of personal space, poor sanitary conditions and inadequate ventilation, as well as excessive restrictions on time spent outside the cell, high temperatures in the cell, inadequate health care and psychological assistance, inadequate measures as regards the rehabilitation of drug addicts, and exposure to violence from other inmates owing to insufficient prison security. He further submitted that the situation amounted to a structural problem, which had been acknowledged by the domestic authorities.

Invoking Articles 3 and 8 of the Convention, the applicant also complained of restrictions on visits, telephone conversations and correspondence.

The applicant lastly complained under Article 13, that he had not had any effective remedy at his disposal as regards his complaints under Articles 3 and 8 of the Convention.

## THE LAW

The Court notes that the applicant's complaints are identical to those of the applicants in the case of *Lalić and Others* (cited above). In that case the Court found the general conditions of detention in the closed section of Dob Prison, including the medical and psychological care provided to the prisoners held therein, as well as the arrangements concerning security measures, and the restrictions on maintaining contact with people outside the prison to be adequate *vis-à-vis* the Convention standards. It accordingly also rejected the complaint under Article 13 of the Convention, as no arguable claim for the purpose of the aforementioned provision had been established.

The Court takes note of the similar factual background of the aforementioned case and the present application, including the fact that the applicant always had sufficient personal space in the cell in which he has been detained. Therefore, the present application should be rejected as being manifestly ill-founded pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court unanimously

*Declares* the application inadmissible.

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| Stephen Phillips<br>Deputy Registrar | Ann Power-Forde<br>President |