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

FIRST SECTION

DECISION

Application no. 42029/22
Dávid KRÁTKY and Dominik KRÁTKY
against Slovakia

The European Court of Human Rights (First Section), sitting on 7 May 2026 as a Committee composed of:

Davor Derenčinović*, President*,
Artūrs Kučs,
Anna Adamska-Gallant*, judges*,
and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 42029/22) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 8 August 2022 by two Slovak nationals, Mr Dávid Krátky ("the first applicant") and Mr Dominik Krátky ("the second applicant"), who were both born in 1991, are currently detained respectively in Leopoldov and Banská Bystrica, and were represented by Mr M. Para, a lawyer practising in Bratislava;

the decision to give notice of the complaints under Articles 3, 8, 13 and 14 of the Convention to the Slovak Government ("the Government"), represented by their Agent, Ms M. Bálintová, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the conditions of the applicants' detention in prisons in Bratislava, Banská Bystrica, Ilava, Leopoldov, Prešov and Žilina, where the applicants claimed they were held in solitary confinement and subjected to an extremely strict regime pending trial and subsequently while serving their life sentences.

A. Facts of the case

2. The applicants were remanded in custody on 9 March 2017. On 25 September 2020 the first-instance court found them guilty of murder and serious drug-related offences committed as leading members of an organised group, and it sentenced them to life imprisonment. An appeal lodged by the applicants was dismissed on 7 July 2021, following which they were transferred to wings for life-sentenced prisoners and began serving their sentences.

3. On 28 February 2024 the Supreme Court overturned the lower courts' judgments and remitted the case to the first-instance court for fresh examination. On the latter date the applicants were remanded in pre-trial detention and lodged requests to be accommodated alone.

4. The first applicant was primarily detained in Leopoldov Prison, where he spent the majority of his pre-trial detention and his life sentence. The second applicant was held during his pre-trial detention mainly in Prešov and Banská Bystrica prisons, with shorter periods in Žilina and Ilava prisons. He served his life sentence in Banská Bystrica Prison from 7 July 2021 until 15 October 2021, and again from 10 November 2022 until 28 February 2024. Between 15 October 2021 and 10 November 2022 he was detained in Ilava Prison.

5. The Government submitted photographs and the dimensions of the cells in which the applicants had been held, along with records from the prison authorities detailing various aspects of the applicants' detention regime. It appears from those documents that the applicants were mostly accommodated alone, either on the basis of their own requests lodged repeatedly during pre-trial detention or in individual cells once they were moved to the wing for life-sentenced prisoners.

6. It further appears from the case file that the applicants made numerous submissions to various bodies, in particular to the prison administration under the Prison and Court Guard Service Act, and the Public Prosecution Service ("the PPS") and the Prosecutor General under various provisions of the Public Prosecution Service Act.

7. On 5 March and 28 June 2024 the Banská Bystrica and Trnava regional offices of the PPS respectively dismissed the applicants' complaints concerning, *inter alia*, the lack of open visits during their life sentences. The Trnava regional office of the PPS concluded that the first applicant had received seven open visits, all in accordance with the law. The Banská Bystrica regional office of the PPS noted that between 10 November 2022 and 15 February 2024 the second applicant had received 12 open visits, two closed visits, and 17 video visits.

8. On 28 August 2024 the Constitutional Court dismissed a complaint lodged by the second applicant regarding certain aspects of his detention in Banská Bystrica Prison as manifestly ill-founded (II. ÚS 381/2024). It noted,

inter alia, that the applicant had been lawfully accommodated alone and, as of February 2023, had been permitted to associate with all four D1 life prisoners during sports activities, outdoor walks, and cultural or educational activities. His cell had measured 13.9 square metres and had been furnished at his request with a wardrobe, shelves, and a notice board. It had included a sanitary unit with a sink, shower and toilet, and he had had access to warm water twice a day.

B. Complaints

9. Relying on Articles 3 and 8 of the Convention, alone and in conjunction with Articles 13 and 14, the applicants complained that throughout their detention they had been subjected to a very strict regime described by them as solitary confinement. They were placed in individual cells which were small and poorly maintained. They were kept there for 23 hours a day and had only one hour a day of outdoor exercise in a dirty, enclosed yard. They had been unable to associate with other prisoners, they had had no out-of-cell activities, and family visits had been limited to closed visits. They further submitted that they had had no effective domestic remedies and had been subjected to discriminatory treatment compared to life-sentenced prisoners in other European countries, who were not subjected to such restrictive regimes.

C. Report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

10. In its report on its visit to Slovakia from 19-28 March 2018, dated 19 December 2018 (CPT/INF (2019) 20) the CPT noted in the relevant parts as follows:

> "42. The CPT noted some improvements as compared to the situation of life-sentenced prisoners observed in 2013 (see paragraphs 45 and 52). However, despite the Committee's recommendations made in its previous visit reports, the general approach towards life-sentenced prisoners had not changed fundamentally. Thus, all life-sentenced prisoners continued to be segregated from other inmates, held under a very restrictive regime (in particular in terms of out-of cell activities and association) and permanently subjected to draconian security measures.
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> "43. Both at Leopoldov and Banská Bystrica Prisons, the material conditions in the units for life-sentenced prisoners were adequate. The cells were generally in a good state of repair, sufficient in size and adequately equipped (including a fully-partitioned sanitary annexe) and ventilated; they also had sufficient access to natural and artificial light."

THE COURT'S ASSESSMENT

A. Conditions of the applicants' pre-trial detention from 9 March 2017 until 7 July 2021

11. The Court accepts the Government's objection that the applicants' complaints regarding the conditions of their pre-trial detention from 9 March 2017 until 7 July 2021 are belated. It has not been disputed between the parties that on 7 July 2021 the applicants were transferred to wings for life prisoners in order to serve their sentences. As noted by the Government, from that moment the conditions of the applicants' detention, including the reasons for their separate accommodation, started to be governed by a completely different set of rules. The transfer of the applicants in the present case to the wings for life prisoners on 7 July 2021, albeit within the same facilities, thus put an end to the "continuing situation" in so far as it related to their pre-trial detention. Since the applicants argued that they had not had any effective domestic remedy in that regard, they should have lodged their complaints within six months from 7 July 2021 (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 76-78, 10 January 2012). Since the present application was lodged on 8 August 2022, the applicants' complaints in so far as they relate to the conditions of their pre-trial detention were submitted too late for the purposes of Article 35 § 1 of the Convention, as applicable before the entry into force of Article 4 of Protocol No. 15 to the Convention.

12. Accordingly, this part of the application must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

B. Conditions of the applicants' detention during their life sentences from 7 July 2021 until 28 February 2024

13. The Court considers that given the substance of the applicants' complaints raised under Articles 3 and 8 of the Convention, which refer to inhumane and degrading treatment, they fall to be examined solely under Article 3 of the Convention (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 110-26, 20 March 2018).

14. The Court does not find it necessary to consider the Government's non-exhaustion objection, since the complaints are in any event inadmissible on the following grounds.

15. The general principles as regards the conditions of detention of life prisoners have been summarised in, for example, *Ivan Karpenko v. Ukraine* (no. 45397/13, §§ 52-57 et seq., 16 December 2021).

16. The Court firstly notes that the applicants' assertion that they were automatically placed in solitary confinement for the entire period of their imprisonment is unsupported by the facts of the case. As submitted by the

Government, in Slovakia, solitary confinement can only be ordered as punishment for a disciplinary offence and for a limited period (14 days in the case of sentenced prisoners). The applicants have never received such punishment. It also has not escaped the Court's attention, that once the applicants were again placed in pre-trial detention, they immediately requested to be accommodated in individual cells (see paragraph 3 above).

17. For the purpose of serving their life sentences, the applicants had spent almost two years and eight months in the D1 regime in Leopoldov Prison (the first applicant) and in Ilava and Banská Bystrica prisons (the second applicant), and they had been detained in the wing for life prisoners on the basis of their life sentences. The Court reiterates that the automatic segregation of life prisoners from the rest of the prison community and from each other, in particular where no comprehensive activities outside the cell or stimulus inside the cell are available, may in itself raise an issue under Article 3 of the Convention (see *Harakchiev and Tolumov v. Bulgaria*, nos. 15018/11 and 61199/12, § 204, ECHR 2014 (extracts)). The Court further acknowledges that in Slovakia the segregation of life prisoners remains the primary purpose of their imprisonment, and the description of conditions under which the applicants were detained corresponds largely to the CPT's findings (see paragraph 10 above).

18. However, the Court's role is conceptually different from that assigned to the CPT (see *Muršić v. Croatia* [GC], no. 7334/13, § 113, 20 October 2016) and when examining complaints made under Article 3 of the Convention, it must take account of the cumulative effects of the conditions of the applicants' detention, along with their specific allegations and the length of the period during which they were detained in the conditions in question (see *Maslák v. Slovakia (no. 2)*, no. 38321/17, § 184, 31 March 2022, with further references).

19. As regards the applicants' social interactions, the Court notes that they could occasionally meet with other prisoners in the wing and were in regular contact with their family, including by means of open visits. As appears from the prison records, as of 2022, the first applicant was associating with a small group of prisoners and, from 2023 onward, regularly used the kitchen designated for life-sentenced inmates together with others. According to the Government, while in Ilava Prison, the second applicant was permitted to associate with other D1 prisoners on 72 occasions and regularly met with prisoner C. in 2022. During an individual interview in April 2022, the second applicant stated that he preferred not to associate with other inmates, as it would distract him from preparing for his criminal trial. Requests submitted on 19 July and 11 August 2022, and a prison record of 24 March 2022, show that he wished to associate only with prisoners L. and C., citing personal conflicts with other life-sentenced inmates. It further appears that also in Banská Bystrica Prison, the second applicant was permitted some degree of association with four other life prisoners (see paragraph 8 above and contrast

Ivan Karpenko, cited above, §§ 58-59; and contrast *A.T. v. Estonia (no. 2)*, no. 70465/14, §§ 9 and 15, 13 November 2018). Furthermore, between 7 July 2021 and 28 February 2024 the first applicant received 57 family visits, including seven open visits. During the same period, the second applicant received 68 visits, 12 of which were open. Additionally, both applicants were permitted unlimited telephone calls with their relatives and lawyers, and the records indicate that they called them multiple times a day. The Court does not deny that some of the applicants' requests for open visits were not approved by the prison directors. However, it has already held that a complaint about not being allowed open visits in a few specific instances does not present an issue under Article 3 of the Convention (see *Maslák*, cited above, § 188).

20. As regards outside of cell activities, the applicants could, additionally to the one-hour outdoor exercise, use the gym or spend time in the cultural activities room when allowed under the established schedule. They were permitted to use a computer several times per day to study legal material and prepare for court hearings. In their cells, they watched television, read, listened to the radio, and practiced meditation. As noted in their observations, they declined to work, as the opportunities available to them were limited to cell-based tasks and involved activities they considered to be degrading (for example, sewing shoes) and paid at exploitative rates. While the applicants argued that the activities provided by the prison had been insufficient and alleged that they had been excluded from educational and cultural activities offered to the general prison population, they failed to specify which activities they had wished to attend but could not. Moreover, it also appears that during their free time the applicants were primarily focused on writing diverse submissions for the purposes of the extensive litigation they were involved in (compare *Maslák*, cited above, § 190) and that the second applicant was interested in associating with only a very limited number of other prisoners.

21. The records also contradict the applicants' assertion that the alleged social isolation had had a very negative impact on their well-being, since in discussions with prison officers, the applicants consistently reported being in good physical and mental health. Moreover, throughout the period in question they did not report any impact on their mental or physical health on account of being placed in individual cells or the restrictions applied, nor did they seek medical assistance (contrast *Ivan Karpenko*, cited above, § 63).

22. The Court notes that the applicants contested the authenticity of the prison records. However, they did this only in very general terms – asserting that the records had been prepared secretly and without their involvement – and submitted no supporting evidence, such as medical documentation or formal complaints. There is also no indication that the relevant material submitted by the Government was prepared after they had been given notice of the applicants' complaints. There is therefore no reason for the Court to

doubt the authenticity, objectivity and relevancy of that material (see *Muršić*, cited above, § 158).

23. As for the physical conditions of the cells, the Government submitted that the surface area of the cells in the wing for life-sentenced prisoners in Leopoldov Prison ranged from 9.5 to nearly 20 square metres. The second applicant's cell in Banská Bystrica Prison measured approximately 14 square metres, while his cell in Ilava Prison had a surface area of 6.72 square metres. The applicants did not contest the cell dimensions but argued that, after deducting the space occupied by furniture, the usable area amounted to between 2 and 3 square metres. In this regard, the Court reiterates that, according to its case-law, the available surface area in a cell includes the space taken up by furniture (see *Muršić*, cited above, § 114). As there is nothing in the case file to support the applicants' assertion, the Court notes that the cells where the applicants were accommodated exceeded the minimum standard promoted by the CPT of 6 square metres of living space for a single-occupancy cell (ibid., § 51 *in fine*). As to the allegedly deplorable material conditions of the applicants' detention, the Court notes that the CPT found the conditions in Leopoldov Prison and Banská Bystrica Prison to be adequate (see paragraph 10 above); the complaint concerning Ilava Prison also remains unsubstantiated, as the second applicant failed to provide specific details (contrast *Harakchiev and Tolumov*, cited above, §§ 16-17). The Court reiterates that only a credible and reasonably detailed description of the allegedly degrading conditions of detention and regime constitutes a prima facie case of ill-treatment (see *Ananyev and Others*, cited above, § 122).

24. In the light of the above, the Court concludes that it has not been established that the cumulative conditions of the execution of the applicants' life sentences, during a period of roughly two years and eight months, amounted to ill-treatment within the meaning of Article 3 of the Convention. Consequently, there is no arguable claim under Article 13 of the Convention in respect of the alleged violations. Accordingly, this part of the application must be rejected as manifestly ill-founded in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

25. As regards the applicants' complaint under Article 14 of the Convention (see paragraph 9 above), the Court considers that, in the light of all the material in its possession and in so far as the matter complained of is within its competence, this complaint either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto. Therefore, it must be rejected in accordance with Article 35 § 4 of the Convention.

26. As regards the applicants' complaints raised in their observations of 24 March 2025 about the alleged routine handcuffing and the impossibility of pursuing higher education as well as the second applicant's complaints

about the video surveillance of his cell in Banská Bystrica Prison from 10 November 2022 until 28 February 2024 and the lack of access to daylight owing to the plastic panels installed on the cell windows , the Court notes that these complaints were not raised before the communication of the present application. They are therefore not part of the case referred to the Court and the Court need not rule on them (see *Ruža v. Latvia* (dec.), no. 33798/05, §§ 30-31, 11 May 2010, with further references).

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 May 2026.

Liv Tigerstedt Deputy Registrar	Davor Derenčinović President