

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

FIFTH SECTION

DECISION

Applications nos. 5700/10 and 5889/10
Jasmin MOLE and Milan KOMADINA
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 25 June 2013 as a Committee composed of:

Ann Power-Forde, *President,*
Boštjan M. Zupančič,
Helena Jäderblom, *judges*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above applications lodged on the dates indicated in the attached table,

Having deliberated, decides as follows:

THE FACTS

The applicants Mr Jasmin Mole and Mr Milan Komadina are Slovenian nationals. Their dates of birth are indicated in the attached table. They were represented before the Court by Odvetniška Družba Matoz o.p. d.o.o., a law firm practising in Koper. The Slovenian Government ("the Government") were represented by their Agent, Mrs Neva Aleš Verdir, State Attorney.

A. The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicants have been serving sentences in the closed section of Dob Prison. As regards the facilities available to the applicants in the cells and

common areas, as well as the health care regime in the prison, the conditions imposed on the applicants regarding activities outside the cells and contact with the outside world, 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.

The individual circumstances, such as period of imprisonment and personal space allocated to the each applicant are indicated in the attached table.

B. Relevant domestic law and practice

For the relevant domestic law and practice, see *Lalić and Others*, cited above.

COMPLAINTS

The applicants complained that the conditions of their detention in Dob Prison amounted to a violation of Articles 3 and 8 of the Convention. In particular, they 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 cells, 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. They 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 applicants also complained of restrictions on visits, telephone conversations and correspondence.

The applicants lastly complained, under Article 13, that they did not have any effective remedy at their disposal as regards their complaints under Articles 3 and 8 of the Convention.

THE LAW

As the applications are similar in terms of both fact and law, the Court decides to join them.

The Court notes that the applicants' complaints are identical to those of the applicants in the case of *Lalić and Others* (cited above). In that case the Court has 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 has accordingly also rejected the applicants' complaint under Article 13 of the Convention, as no arguable claim for the purpose of the aforementioned provision could have been established.

The Court takes note of the similar factual background of the aforementioned case and the present applications, including the fact that the present applicants always had sufficient personal space in the cell in which they were detained. Therefore, the present applications 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

Decides to join the applications;

Declares the applications inadmissible.

Stephen Phillips Deputy Registrar	Ann Power-Forde President

ANNEX

No	Application No	Applicant's name and date of birth	Lodged on	Period of imprisonment	Cell size/occupancy level (personal space)
1.	5700/10	Jasmin MOLE 28/12/1976	24/12/2009	Since 21/01/2005	59.25 m²/15 (3.95 m²) 15.83 m² – 17.93 m²/4 (3.96 m²- 4.48 m²) 7.17 m²/1 (7.17 m²)
2.	5889/10	Milan KOMADINA 19/07/1963	18/12/2009	Since 03/06/2009	59.57 m²/17 (3.50 m²)