

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

FIFTH SECTION

DECISION

Application no. 6195/10
Janez SKUBIC against Slovenia
and 9 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on 6 March 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 applications lodged on the dates indicated in the attached table,

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 applicants Mr Janez Skubic, Mr Stojan Radin, Mr Branko Ločnikar, Mr Frank Palmer, Mr Vanja Pirnat, Mr Slavko Zlodej, Mr Primož Koritnik, Mr Jaka Pavlinič and Mr Aleksandar Djurdjević are Slovenian nationals. The applicant Mr Riki Bukvić is a Croatian national. Their birthdates are indicated in the attached table. They were represented before the Court by Odvetniška Družba Matoz o.p. d.o.o., a law firm practicing in Koper. The Slovenian Government ("the Government") were represented by their Agent, Mrs T. Mihelič Žitko, State Attorney.

The Croatian Government, having been informed of their right to intervene in the case of Mr Bukvić (Article 36 § 1 of the Convention and

Rule 44 § 1 of the Rules of Court), stated in a letter of 07 September 2010 that they did not wish to avail themselves of that right.

The applicants served, or are currently 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, personal space allocated to the each applicant and their activities outside the cells, are indicated in the attached table.

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 cells 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

No	Application No	Applicant's name and date of birth	Lodged on	Period of imprisonment	Cell size/occupancy level (personal space)	Out-of-cell activities
1.	6195/10	Janez SKUBIC 18/01/1986	24/12/2009	Since 25/02/2009	59,25 m²/14 (4,23 m²)	From 07/07/2009 to 19/07/2009 he worked in the bakery of Dob prison. Since 03/05/2010 he has been working in the Pohorje Public Institute.
2.	6225/10	Stojan RADIN 27/05/1959	24/12/2009	Since 30/06/2006	59,57 m²/17 (3,5 m²)	Since 07/08/2006 he has been working in the Pohorje Public Institute.
3.	6267/10	Branko LOČNIKAR 17/03/1963	18/12/2009	Since 14/03/2008	59,57 m²/16 (3,72 m²)	Since 15/05/2008 he has been working in the kitchen of Dob prison.
4.	6275/10	Frank PALMER 28/12/1965	18/12/2009	Since 09/10/2007	59,89 m²/14 (4,28 m²) 12,63 m²/3 (4,21 m²)	From 21/07/2008 to 06/09/2010 he worked in the Pohorje Public Institute. Since 06/09/2010 he has been working in the kitchen of Dob prison.
5.	6279/10	Vanja PIRNAT 22/01/1959	18/12/2009	From 11/01/2008 to 01/07/2010	59,25 m²/14 (4,23 m²) 24,96 m²/2 (12,48 m²)	From 17/03/2008 to 01/03/2010 he worked in construction. From 15/03/2010 to 30/06/2010 he worked as a maintainer.

6.	6309/10	Riki BUKVIĆ 29/01/1985	18/12/2009	From 20/07/2009 to 01/06/2010	58,94m²/15 (3,93m²)	He worked in the Pohorje Public Institute.
7.	6375/10	Slavko ZLODEJ 30/10/1963	22/01/2010	Since 21/09/2009	59,89m²/14 (4,28 m²)	From 22/02/2010 to 09/06/2010 he worked in the Pohorje Public Institute.
8.	6438/10	Primož KORITNIK 10/09/1991	18/12/2009	Since 20/08/2008	59,25 m²/15 (3,95 m²) 22,08 m²/2 (11,04 m²)	He has been working in Dob prison. He was included in the secondary education programme, including food-preparation and catering classes.
9.	6497/10	Jaka PAVLINIČ 09/05/1985	18/12/2009	From 16/07/2009 to 01/10/2010	59,25 m²/15 (3,95 m²)	He worked in the kitchen of Dob prison. From 02/09/2009 to 20/05/2010 he was included in the education programme, including food-preparation and catering classes.
10.	6519/10	Aleksandar DJURDJEVIĆ 26/09/1979	18/12/2009	Since 22/05/2007	59,25 m²/14 (4,23 m²) 11,78 m²/2 (5,89 m²)	From 07/04/2008 to 01/10/2009 he worked in the Pohorje Public Institute. He was included in the education programme, including food-preparation and catering classes.