



Keeping prisoner in solitary confinement did not constitute inhuman and degrading treatment in breach of the Convention

In its decision in the case of [Astruc v. France](#) (application no. 5499/15) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the applicant's complaint that he was kept in solitary confinement, while imprisoned on remand, after hospital treatment.

The measure sought to clarify how the applicant was procuring unauthorised items while in prison and to prevent this from continuing.

The Court noted that, while there had been no assessment by the prison administration of the applicant's fitness to be placed in solitary confinement, his state of health had not in any event required such an assessment after he left the hospital psychiatric unit. The prison register also showed that the applicant had been monitored very regularly by the medical teams. It had also been verified that his state of health did not require any adaptation of his detention conditions.

Lastly, the Court took the view that the applicant had been afforded the minimum procedural safeguards required in such matters to avoid any risk of arbitrary decisions.

Principal facts

The applicant, Cyril Astruc, is a French national who was born in 1973 and was held in Fresnes Prison.

Mr Astruc was taken into custody on the basis of five warrants in the context of judicial investigations against him, a number of which concerned carbon tax fraud which had led to the misappropriation of 146 million euros. He was placed in the remand prison in Fresnes on 10 January 2014 in the context of one of those cases.

On 26 March 2014 the prison administration informed the investigating judge that interception of his telephone calls had enabled it to identify outside contacts used by the applicant to obtain services. On 8 April 2014 Mr Astruc was placed in solitary confinement on a provisional basis for having been found in possession of items that could not be bought in prison. On 11 April 2014 the prison governor decided to place him in solitary confinement from 12 April 2014 to 12 July 2014, in order to "prevent any repeat of the fraudulent procurements". On 13 April 2014 Mr Astruc applied to the urgent applications judge of the administrative court seeking a stay of execution of that decision; the judge rejected the application as being devoid of urgency.

On 30 April 2014 Mr Astruc was admitted to the prison hospital's psychiatric unit under a protocol known as medical cell confinement. Two days later he left the unit at his request and was kept in solitary confinement.

On 5 May 2014 Mr Astruc submitted a fresh application for a stay of execution of the decision to place him in confinement. He argued in particular that his state of health had considerably worsened since his previous application and that his possession of personal hygiene and other products did not represent any risk for the prison or for other individuals. On the same day the urgent applications judge dismissed his request in a decision, against which Mr Astruc appealed.

In a letter of 16 June 2014 the prison governor informed the investigating judge that other seizures of prohibited items had been carried out in the cell, and that Mr Astruc had been paid numerous

visits, had received food parcels and had purchased products in the canteen in such quantities that they had to be stored in another cell. On 17 June 2014 Mr Astruc was given the disciplinary sanction of confinement in an ordinary cell for seven days after a USB key that could not have been bought inside the prison was found in his cell.

On 23 June 2014, before the scheduled date, the prison governor decided to lift the confinement measure. On 23 July 2014 the *Conseil d'État* declared inadmissible the applicant's appeal against the decision of 5 May 2014.

On 13 September 2017 Mr Astruc was sentenced by the Paris Criminal Court to nine years' imprisonment and a fine of one million euros in the case of carbon tax fraud. On 9 September 2019 the Paris Court of Appeal raised the sentence to ten years. The applicant was not present at either hearing as he had disappeared after being released in 2015,.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 23 January 2015.

Relying on Article 3 (prohibition of inhuman and degrading treatment), the applicant alleged that keeping him in solitary confinement after hospitalisation had constituted treatment in breach of that provision. He asserted that there had been no grounds to justify prolonging the measure at that stage and that the authorities had not taken sufficient account of his state of health at the time when they decided to keep him in solitary confinement.

The decision was given by a Committee of three judges, composed as follows:

Lətif **Hüseynov** (Azerbaijan), *President*,
André **Potocki** (France),
Anja **Seibert-Fohr** (Germany),

and also Victor **Soloveytschik**, *Deputy Registrar*.

Decision of the Court

Article 3

The Court noted that, while the items found during searches in his cell had not represented any particular danger, the prison administration had taken its decision to place him in solitary confinement based on the applicant's criminal profile and his significant financial capacities which enabled him to obtain services from outside contacts, thus breaching public order in the prison. The measure was thus intended to clarify how he had procured unauthorised items while in prison and to prevent this from continuing.

The Court noted that, while there had been no assessment by the prison administration of the applicant's fitness to be placed in solitary confinement, as no outside doctor had intervened for this purpose, his state of health had not in any event required such an assessment after he left the hospital psychiatric unit. As the domestic courts had noted, there was no indication that his state of health had worsened. The applicant had left on the first working day following his hospitalisation, which had not been found necessary by the prison unit's psychiatrist. The prison register also showed that the applicant had been monitored very regularly by the medical teams. It had also been verified that his state of health did not require any adaptation of his detention conditions.

As to the procedural safeguards, the Court noted that the applicant had been given an adversarial hearing, in the presence of his lawyer, prior to the final decision to place him in solitary confinement. Beforehand the applicant had been notified of the relevant documents and had submitted written

comments. He had also lodged two applications with the urgent applications judge and then two appeals before the *Conseil d'État*, in April and May 2014, all of which had been rejected. Through the intermediary of his counsel he had asked the prison administration to lift the measure and this request had first been rejected but later accepted in June 2014.

In those circumstances the Court took the view that the applicant had been afforded the minimum procedural safeguards required in such matters to avoid any risk of arbitrary decisions.

The Court found that the applicant had been held in partial and relative solitary confinement, a measure that had been justified by security reasons and was compatible with his state of health, which was being monitored, that his situation had been regularly re-examined and that he had enjoyed the necessary procedural safeguards to prevent any arbitrariness in the procedure.

The complaint under Article 3 of the Convention thus had to be rejected as manifestly ill-founded.

The decision is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.