

## **CASE OF SAVENKOVAS v. LITHUANIA - Application no. 871/02 (2009)**

In the Chamber's judgment in the **CASE OF SAVENKOVAS v. LITHUANIA** the European Court of Human Rights held, unanimously, that there had been:

- **a violation of Article 3 of the Convention (prohibition of torture and inhuman or degrading treatment or punishment);**
- **a violation of Article 8 of the Convention (right to respect for private and family life).**

### **I. Principal facts**

The Applicant, Mr Valerijus Savenkovas, is a Lithuanian national. At the time of lodging his application, he was serving a prison sentence. The case concerned the Applicant's complaint about the conditions of his detention in Vilnius prisons until July 2003 and censorship of his correspondence by the prison administration.

Mr Savenkovas, a person with previous convictions, was convicted in October 2000 of robbery, illegal possession of ammunition, assault and an attempt to abscond. He was sentenced to five years and ten months' imprisonment and his property was confiscated. The applicant appealed, claiming *inter alia* that the case against him had been fabricated and that the conviction was arbitrary, but the his allegations were dismissed. The applicant was not present at the appeal hearing but was represented by officially-appointed counsel. Furthermore, the Applicant lodged a cassation appeal, but in 2001 the Supreme Court dismissed it in the presence of the Applicant's lawyer.

In 2003 Mr Savenkovas' sentence of imprisonment was upheld, but the order to confiscate his property was waived. On 30 July 2003 the Applicant was released after having completed the sentence. However, in the same year he was arrested and prosecuted on another charge. According to the information mentioned by the parties, the Applicant was remanded in custody pending trial.

### **II. Complaints and procedure**

Relying on the Art 3 of the European Convention on Human Rights the Applicant complained that his conditions of detention at the Lukiškės Remand Prison and the Ras Prison had amounted to inhuman degrading treatment. Mr Savenkovas, as a remand prisoner, had had to stay in cramped conditions even 23 hours per day, with no access to work, educational or recreational facilities. The cells had not meet required standards, were too small and overcrowded, as well as had an open toilet without sufficient privacy

The Applicant also complained that the Prison Administration had censored his correspondence in contradiction with the Article 8 of the Convention. The applicant also complained that the Prison Administration had refused to allow him to have personal visits from his partner or relatives, other than three short visits from his partner when in Ras . He invoked the right to respect for private and family life under the above-cited Article 8 of the Convention. This part of the application was, though, rejected.

Moreover, the Applicant alleged the violation of Articles 5, 6, 9, 10 11, 13, 14 and 17 of the Convention, as well as Articles 1 and 2 of Protocol No. 1. However, the Court rejected this part of application as being manifestly ill-founded.

### **III. Decision of the Court**

The Court held that the conditions in the prisons had failed to respect basic human dignity and must therefore have been prejudicial to his physical and mental state. Moreover, “the overcrowded and unsanitary conditions of the Applicant’s detention at the Lukiškės Remand Prison amounted to degrading treatment in breach of Article 3 of the Convention”. However, it dismissed the Applicant’s complaints concerning the conditions of his detention in Rasu Prison as it considered them unsubstantiated.

The Court has taken into account the Report of The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment that was published in 2000. According to the publication, in Lukiškės Remand Prison, one of two centres where the Applicant was detained, the serious overcrowding and lack of recreational and employment facilities and insufficient staffing were observed.

Furthermore, the Court found that there had been a violation of Article 8. The ECoHR noted that there was systematic censorship of prisoners’ correspondence at the material time, with the apparent exception of letters to State institutions and the Court. Moreover, incoming and outgoing correspondence suffered certain delays and prisoners could not retain their incoming mail. The Court concluded that “the Government have not presented sufficient reasons to show that such an extensive control of the Applicant’s correspondence was necessary in a democratic society”.

### **IV. Just satisfaction**

The court held that Lithuania was to pay the Applicant:

- EUR 5,000 in respect of non-pecuniary damage;
- EUR 500 in respect of costs and expenses.

The remainder of the application was declared inadmissible.