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MINISTERS' DEPUTIES

Notes on the Agenda

CM/Notes/1411/H46-10

16 September 2021

1411th meeting, 14-16 September 2021 (DH)

Human rights

H46-10 Kehayov group (Application No. 41035/98) and Neshkov and Others (Application No. 36925/10) v. Bulgaria

Supervision of the execution of the European Court's judgments

Reference documents

DH-DD(2021)698-rev, DH-DD(2021)698-add, DH-DD(2021)698-add2, H/Exec(2021)16, CM/Del/Dec(2018)1310/H46-4

Application	Case	Judgment of	Final on	Indicator for the classification
KEHAYOV GROUP				
41035/98	KEHAYOV	18/01/2005	18/04/2005	Complex problem
61701/11	BORIS KOSTADINOV	21/01/2016	21/04/2016	
53942/16	CHOBANOV AND KOYRUSHKI	04/06/2020	04/06/2020	
58400/16	DIMITAR ANGELOV	21/07/2020	21/10/2020	
34846/08	DIMITROV AND RIBOV	17/11/2015	17/02/2016	
54659/00	GAVAZOV	06/03/2008	06/06/2008	
15018/11+	HARAKCHIEV AND TOLUMOV	08/07/2014	08/10/2014	
4374/05	HALIL ADEM HASAN	10/03/2015	10/06/2015	
50760/09	HRISTOSKOV	15/02/2018	15/02/2018	
63254/16	ILIEV ^[1]	20/04/2021	20/04/2021	
2727/19	IVANOV AND OTHERS	04/06/2020	04/06/2020	
37994/09	RADEV	17/11/2015	17/02/2016	
12487/09	KIRILOV AND OTHERS	22/06/2017	22/06/2017	
39014/12	KORMEV	05/10/2017	05/01/2018	
31044/12	PETROV AND OTHERS	21/06/2018	21/06/2018	

65417/16	POGOSYAN-AHENOBARB ^[2]	20/04/2021	20/04/2021	
21980/04	SIMEONOV	12/05/2017	Grand Chamber	
31820/18	YORDANOV AND DZHELEBOV	04/06/2020	04/06/2020	
34639/07	ZHIVKO GOSPODINOV AND OTHERS	26/10/2017	26/10/2017	
36925/10+	NESHKOV AND OTHERS	27/01/2015	01/06/2015	Pilot judgment

Case description

Most of these cases concern the inhuman and degrading treatment of the applicants in penitentiary facilities between 1996 and 2019, in particular owing to overcrowding, poor sanitary and material conditions, limited possibilities for out-of-cell activities, inadequate medical care and prolonged application of a restrictive penitentiary regime, combined with the effects of inadequate material conditions, as well as the lack of effective remedy (violations of Articles 3 and 13). The *Boris Kostadinov* case concerns inhuman and degrading conditions of detention in police detention facility, due *inter alia* to severe overcrowding, failure to provide food and drink, poor ventilation, obligation to remain in a “stress position” in a corridor.

In the pilot judgment *Neshkov and Others*, the European Court asked the authorities to create effective preventive and compensatory remedies before 1 December 2016 and to address the systemic problems of poor conditions of detention and overcrowding. In the *Harakchiev and Tolumov* case,^[3] it recommended, under Article 46, that the automatic imposition of a highly restrictive prison regime (“special regime”) on all life prisoners for an initial period of five years should be abolished.

In some recent judgments, even though the applicants had used the compensatory remedy introduced in response to the *Nehskov and others* judgment, the European Court found violations of Article 3 because the amounts awarded in compensation were low (*Dimitar Angelov, Ivanov and Others*), or the courts had failed to sufficiently address complaints about isolation of a life prisoner (*Dimitar Angelov*) or had assessed the conditions as adequate, while the Court found that they were not (*Iliev*).

Some of the cases also concern other violations of Articles 3, 5, 6 §§ 1 and 3(e), 8 and 13.^[4] In particular, the *Kormev* case concerns a violation of the right to a fair trial, as the applicant’s criminal conviction had been based on a confession that had been extracted from one of his co-defendants^[5].

Status of execution

On 22 July 2021, the authorities provided an updated action plan (DH-DD(2021)698-rev); on 30 July 2021, they provided an Addendum to their action plan (DH-DD(2021)698-add, DH-DD(2021)698-add2).^[6]

Individual measures

In the cases *Kehayov, Gavazov, Nehskov and Others* and *Harakchiev and Tolumov* the Committee found that no further measures were necessary (see the decision adopted during the 1310th meeting (March 2018) (DH)). As concerns the *Boris Kostadinov* case, the

Committee considered, in decisions adopted in September 2019 in the Velikova group of cases, that no further individual measures are possible (CM/Del/Dec(2019)1355/H46-6).

Detailed information on the individual measures in the other cases can be found in document

H-Exec(2021)16.

General measures

1) Previous examination by the Committee

In March 2018, the Committee welcomed the results obtained in response to the pilot judgment *Neshkov and Others* and the public statement of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) of 26 March 2015. It noted that the European Court has considered that the domestic remedies introduced in response to the *Neshkov* judgment can be regarded as effective, requested information on their functioning and noted that further progress is still needed with improving conditions of detention to ensure the proper functioning of the preventive remedy.

Moreover, the Committee : i) welcomed the significant progress achieved as concerns overcrowding in prisons and closed prison hostels and requested information on the situation in investigative detention facilities (IDFs); 2) requested information on the impact of the measures adopted to facilitate access to out-of-cell activities; 3) encouraged the authorities to finalise their projects concerning the improvement of material conditions of detention ; 4) invited them rapidly to adopt and implement the national strategy and action plan on medical care in prison elaborated with the assistance of the Council of Europe.

Furthermore, it invited the authorities to provide information on the practice as regards the application, modification and judicial review of the "special regime". It also invited them to indicate the measures envisaged to avoid violations due to the automatic application of a very restrictive regime in respect of certain categories of persons held on remand and to avoid violations related to the modalities of application of the "strict regime" in respect of detainees serving a life sentence.

2) Substantive measures

In January 2017 the authorities adopted an important reform of the penitentiary system ("the 2017 reform").

a) Measures to combat overcrowding and improve material conditions of detention

- Penitentiary and criminal policy measures: Since the 2017 reform, national law requires 4m² of living space per detainee and provides for wider use of open prison hostels^[7] to combat overcrowding in closed prison facilities. Prisoners can request early conditional release directly with the competent court; conditions for release of repeat offenders were relaxed.

- Occupancy rates in prisons and prison hostels: In December 2017, the maximum accommodation capacity of these facilities was of around 8,500 inmates; as of 8 June 2021, it was 8,161 inmates. The number of detainees held has fallen from 9,371 in 2013 and 6,841 in the end of 2017 to 6,146 on 8 June 2021. On the latter date, according to data presented by the authorities, there was no overcrowding in most prisons and closed-type prison hostels, except for the Plovdiv prison and the closed-type hostel in Debelt. Some open-type

prison hostels accommodated more detainees than their capacity. The authorities indicated that two new open-type prison hostels had been opened and additional such facilities can be opened if necessary.

- Occupancy rates in IDFs: As of 9 June 2021, the accommodation capacity of the IDFs^[8] was 1,283 inmates; 865 detainees were detained in these facilities (as compared to 1,244 in 2013 and 979 in 2016). Only a small number of IDFs (4 out of 27) appeared overcrowded.

- Material conditions of detention in prisons and prison hostels: The authorities specified that in all prisons separate sanitary parts have been established "in the premises of the inmates". An examination of the information provided indicates that inmates rely on "common" sanitary parts in certain open-type prison hostels, in one closed-type prison hostel and in some parts of the Sliven prison. They provided information on planned refurbishments, constructions or reconstructions. They are envisaging the construction of a new "pilot" prison near Sofia with the assistance of the Norwegian Financial Mechanism. In her recent reports as National Preventive Mechanism (NPM), the Ombudsperson recommended the closure of the Kremikovtzi prison hostel, the Sofia Prison and the prison hostel "Keramichna fabrika"; the latter prison hostel has now been moved to new premises and renamed. In her 2020 report, she observed that in all facilities visited there was progress with reducing occupancy rates and improving detention conditions. She noted a problem of infestation with insects and problems with the state of repair of the cells in some facilities.

- Material conditions of detention in IDFs: Refurbishments, transfers of IDFs to prisons and creation of new IDFs have been carried, while some substandard IDFs were closed. More renovation works are planned. In certain IDFs there cells are not equipped with a sanitary part or there is no place for a walk in the open. The Ombudsperson noted that the conditions in IDFs outside prisons were improving much less rapidly than in IDFs situated in a prison; she also noted a problem of infestation by insects.

- Occupation rates and material conditions in police detention centres: The authorities indicated that in most of these facilities material conditions are good. Detainees do not spend there more than 24 hours. The premises in need of renovation are identified and renovation works are planned. Food and drink are provided. In her 2019 and 2020 reports as NPM, the Ombudsperson noted problems of overcrowding, access to fresh air, natural light and hygiene in certain premises. In her 2019 NPM report, she noted that in two detention centres in Sofia, due to the lack of sufficient holding cells detainees were sometimes handcuffed to a bench or four people had to use three beds.

-Recent NGO submissions: In submissions of 9 August 2021, the Bulgarian Helsinki Committee (BHC) acknowledged that material conditions in the prisons have been improved as a whole but noted that the conditions in a number of the IDFs were manifestly substandard; in some IDFs inmates were still compelled to use buckets or bottles to relieve themselves during part of the day. In response, the authorities specified that the Gabrovo IDF's has been closed on 28 June 2021, negotiations are under way with the Ministry of Interior to turn a property into a new IDF and Probation Service in Svilengrad and that reconstruction works for the establishment of a new IDF in Veliko Tarnovo are planned.

b) Medical care

- Measures to improve health care in prisons and IDFs: Since 2014, detainees have been covered by health insurance. The authorities provided information on measures adopted to address the shortage of medical staff and indicated that in 2020 149,038 medical examinations were carried out and 3,363 examinations took place outside the penitentiary system. They consider it necessary to review and update the draft strategy on health care in prison, prepared with the assistance of the Council of Europe, due to new challenges, including the COVID-19 pandemic. It is planned to finalise the strategy by April 2022. In her reports, the Ombudsperson observed that the health care in the penitentiary system had not improved and recommended broad reforms.

In submissions of August 2021, the BHC noted that health care in prison was of poor quality, that penitentiary medical institutions did not meet medical standards and chronically lacked staff and equipment. Prisoners complained about reduced external consultations during the COVID-19 pandemic.

c) Measures related to the application of the “special regime” in prison and other restrictive regimes

- Legislative reform: Following the reform of January 2017, the special regime is imposed initially by the court in respect of each person sentenced to life imprisonment, but the appropriateness of maintaining it is re-examined by the prison director after a year and at one-year intervals (at least) thereafter and his or her decision is open to judicial review. A life prisoner who is no longer subject to the “special regime” can be placed outside the high-security zone if the prison director so decides. If there is no decision on placement outside the high-security zone, the life prisoner will remain in the high-security zone under “strict regime”.^[9] The participation of prisoners under the special regime in some common activities with other categories of prisoners is possible, without modification of the regime, upon decision of the prison director. The prison governor’s refusals to accommodate life prisoners in common premises or to include them in common activities are subject to judicial review under the general rules.

In its report prepared following its 2017 visit to Bulgaria, the CPT expressed the view that the regime for lifers in Bulgaria should be fundamentally reviewed, to include a structured programme of activities. It also noted that use of handcuffs regarding lifers was exceptional and based on an individual risk assessment.

The law still provides for an obligation to isolate detainees held on remand and accused of offences punishable by life imprisonment or imprisonment of more than 15 years.

The authorities are planning to perform an analysis on the implementation of the new rules for the special regime and inclusion in common activities of life prisoners by April 2022.

- Statistics: As of April 2021, 192 detainees in Bulgaria were serving life sentences. The tendency is that more life prisoners are accommodated in common premises, outside the high-security zone, after a change of their regime; this was the case for 93 lifers in 2020, as compared to 27 lifers in 2017.

- Out-of-cell activities in general: The authorities consider that the gradual closure of most of the IDFs and the transfer of detainees to prisons will allow better use of penitentiary staff and will make it possible to offer more activities. In her recent reports, the Ombudsperson observed that due to insufficient funding the number of social workers was insufficient, which negatively impacted the possibility to organise activities.

- Measures to secure meaningful activities for prisoners in the high-security zone: In her 2019 report, the Ombudsperson indicated that the excessive isolation of those among life prisoners, who are serving life sentence without commutation, was a systemic problem. In the beginning of 2020, the National Standards for Treatment of Life Prisoners were amended. They provide that the treatment of life prisoners shall include, where possible, appropriate work and various activities, in accordance with the regime and the specific conditions of the prison concerned. Prisoners in the high-security zone are subject to individual risk assessment. Conditions have been created for offering work and various meaningful activities. The authorities provided information on daily and weekly schedule of activities in several facilities.

In its recent submissions, the BHC noted that prisoners under special regime are detained in permanently locked cells and usually have no access to activities, except for the one-hour outdoor exercise; judicial review of the regime usually did not result into change, as courts rarely reversed the decisions of the prison directors and only on procedural grounds and not on grounds concerning the isolation of such prisoners.

d) Domestic remedies

- Introduction of preventive and compensatory remedies: The 2017 reform introduced a specific compensatory remedy, as well as a preventive remedy to complain about conditions of detention. Section 3 of the Execution of Punishments and Pre-Trial Detention Act 2009 ("the 2009 Act") was also amended, setting out a general prohibition on torture or inhuman or degrading treatment, and indicating *inter alia* that that lack of sufficient living space or lack of physical activity, prolonged isolation without opportunities to socialise, unjustified use of measures of restraint, etc. shall also be regarded as a breach of the prohibition.

- Findings of the European Court concerning the remedies: In its inadmissibility decision of 27 June 2017 in *Atanasov and Apostolov v. Bulgaria*^[10], the European Court considered that the preventive and compensatory remedies could be regarded as effective. It reached similar conclusions in the *Dimitar Angelov* judgment of July 2020, where it noted that in a number of decisions the domestic courts examined carefully prisoners' requests, also by reference to the requirements developed in its case-law. It reiterated however that the way the Bulgarian courts continue to deal with requests under the preventive remedy, in particular as regards prolonged isolation and lack of physical activities; with claims under the compensatory remedy, in particular as concerns the amounts of damages; and appeals against the decision to prolong the application of a special regime will affect its future conclusion on the effectiveness.

- Statistical data on the use of domestic remedies and further measures: Between 2017 and 1 June 2021, the preventive remedy was used 120 times (82 of the requests were dismissed and 29 of them were granted); the compensatory remedy was used 1, 074 times (284 claims were dismissed and 422 were granted). The authorities consider that the new remedies function effectively. They indicate that an analysis of the European Court's practice concerning the adequate quantum of damages to be awarded for poor conditions of detention has been sent to the courts and that there are already positive developments. Additionally, the authorities are planning to perform an analysis of the functioning of the new remedies by April 2022.

- Exoneration of court fees and costs and legal aid: Fees and costs shall not be paid by individuals who are found by the court to be indigent. Legal aid for preparation of a claim may be granted under the Legal Aid Act. Once the claim is filed, by the court is competent to grant a request for legal aid and exemption from the payment of court fees and costs.

As concerns specifically the compensatory remedy, according to the relevant rules of the 2009 Act, if it dismisses the claim in its entirety, or if the claimant renounces or withdraws entirely the claim, the court shall order the claimant to bear the costs of the proceedings. If it allows the claim in whole or in part, the court shall order the defendant to bear the costs of the proceedings, to reimburse to the claimant the court fee paid by him or her and to pay him or her the fees of his or her counsel, in proportion to the part of the claim allowed. In judgment 4885 of 2 April 2019 (case No. 9723/2017), the Supreme Administrative Court held that even if the claim is rejected in its entirety, the court shall not order the claimant to pay a remuneration for the representation by an in-house lawyer representing the authorities.

- Recent NGO submissions: In its submissions of August 2021, the BHC noted that several factors prevent detainees from using the remedies, such as victimisation by the prison administration, threat that the detainee's money may become a target of seizure to repay awards made to the defendant authorities concerning costs and in-house lawyer's fees (meaning that a detainee may be unable to purchase basic hygienic items), lack of information in prisons and IDFs about the remedies, etc. Persons detained in IDFs used very rarely the preventive remedy, *inter alia* due to lack of better alternatives. Under the compensatory remedy courts had often allowed low compensations for serious violations. Judicial review of a decision to maintain a special regime did not address allegations that on-going isolation is constitutive of inhuman treatment and this remedy could not be considered effective to prevent excessive isolation.

The authorities consider that the allegations that the smaller number of requests under the preventive remedy is due to the prisoners' lack of information is to a great extent speculative, and so are the allegations of victimisation, since the compensatory remedy is broadly used.

Analysis by the Secretariat

Individual measures:

A detailed analysis of the individual measures can be found in the document H-Exec(2021)16.

In several cases it appears that the question of individual measures has now been resolved.

In particular, the applicant in the Radev case is no longer isolated, prison cells now have sanitary part and while the range of hygiene products provided to him seems limited, organised sanitation appears available. In the Zhivko Gospodinov and Others case, the material conditions of the detention have been improved, as well as the applicants' regime, since they have either been offered work (Mr Rangelov, Mr Mitev, Mr Alexandrov) or their regime has been relaxed and they have expressed preference to remain in the high-security zone (Mr Gospodinov, Mr Petrov) or they have been placed outside the high-security zone (Mr Alexandrov, Mr Staykov). No further individual measures are required in respect of Mr Shahanov, who passed away.

It should be noted also that the European Court has found that since January 2013 the applicants *Gospodinov*, Halil Adem Hasan, Dimitrov and Iorgov from the *Gospodinov and Others* case have at their disposal a possibility to obtain a review of their life sentences and it has only found a violation due to the monitoring of Mr Gospodinov's correspondence before February 2010; therefore no specific individual measures are needed.

As concerns the *Dimitrov and Ribov* case, the conditions of detention in prison facilities are now considerably better than those described in the judgment. Mr Dimitrov is no longer isolated. The regime of Mr Ribov has varied over the years, "special regime" is currently applied to him based on an individual risk assessment and he has the possibility to work. As concerns the *Iliev* case, the applicant is now held in a cell with a sanitary part. As concerns the *Kirilov and Others* case, the majority of the applicants are no longer detained and Mr Mihaylov's conditions of detention have been considerably improved (the Belene prison has been entirely renovated and all detainees have 4 m² of living space).

In all the above cases the main deficiencies identified in the judgments appear to have been addressed and the applicants have at their disposal an effective preventive remedy and have not raised concerns about the current conditions of detention before the Committee. It is therefore proposed to close the examination of the individual measures in the above cases and to adopt Final Resolution, except for the cases *Iliev*, where the 2-month deadline to complain about the payment of just satisfaction has not expired, and *Kirilov and Others*, where additional information on payment of just satisfaction is awaited. It is also proposed to adopt Final Resolution concerning in the cases where the detention has now ended (*Ivanov and Others*, *Chobanov and Koyrushki*, *Yordanov and Dzhelebov*, *Simeonovi*) or where the applicant's more recent conditions of detention did not violate Article 3 (*Hristoskov*).

As concerns the remaining cases, including the most recent ones, the authorities have provided information on positive changes to the applicants' conditions of detention, but some clarifications appear necessary:

- In the *Dimitar Angelov* case, it appears necessary to provide information on any measures adopted to ensure access to meaningful activities or possibilities to communicate with other inmates;
- In the *Petrov and Others* case, it seems useful to provide additional information on the meaningful activities in which the applicant Kolev has the possibility to participate during the week and the authorities' assessment on the need to propose any additional activities;
- In the *Pogosyan-Ahenobarb* case, it appears useful to provide additional information as to the measures adopted to address the problems of insufficient heating and poor hygiene conditions,
- In the *Halil Adem Hasan* case, information is needed on the applicant's regime after his transfer to the Vratsa prison and a clarification on the court fees for which part of the just satisfaction was seized.

In the *Kormev* case, information is awaited on developments in the reopened criminal proceedings as the European Court found a violation of Article 6 on account of the unfairness of the initial proceedings.

General Measures:

A detailed analysis of the general measures is available in document H-Exec(2021)16.

a) Measures to combat overcrowding and improve material conditions of detention

As regards prisons, hostels and IDFs, the sustained efforts of the Bulgarian authorities to combat overcrowding and improve material conditions of detention have yielded very significant results as compared to the prevalent situation described in the judgments of this

group and are to be welcomed.

The authorities should be encouraged to continue to implement their plans for the renovation and creation of modern prison facilities and IDFs replacing old ones, to address the outstanding problems, in particular the residual overcrowding in prisons and prison hostels, as well as in the IDFs, the access to sanitary facilities for all inmates, in particular in the IDFs, problems with the state of repair of some cells, infestation by insects, etc. Information should also be provided on practices concerning provision of basic hygiene items to prisoners and on measures taken to avoid violations due to lack of access to such products.

As regards police detention facilities, while it is true that detention in such facilities lasts only 24 hours, it appears that there are still no clear solutions for situations in which the number of detained persons is much higher than the number of available cells. Therefore, it is necessary to provide information on measures to avoid violations due to occasional severe overcrowding, like in the *Boris Kostadinov* case.

b) Measures to improve medical care in prisons and IDFs

It appears that despite sustained efforts by the authorities to address staff shortage and other deficiencies, the quality of medical care in the penitentiary system remains unsatisfactory, as repeatedly noted by the CPT and the Bulgarian Ombudsperson. It seems therefore that decisive action and more comprehensive reforms are needed to achieve tangible progress. The Committee could therefore note with interest the authorities' intention to finalise the review of the strategy on prison health care developed with the assistance of the Council of Europe, taking into account recommendations previously given by the CPT, including on the crucial need for a closer and more active involvement of the Ministry of Health in prison health-care. It could also urge them to rapidly adopt the strategy after revision.

c) Measures related to the application of the special regime in prison and other restrictive regimes

As concerns the need to ensure that special regime is applied no longer than necessary, the information that more life prisoners are now accommodated outside the high-security zone is to be welcomed, but it seems also necessary for the authorities to provide an overview of the practice of prison governors and courts on the application of the special regime (reasons for maintaining or relaxing it) to assess its compliance with the case-law of the European Court (see also domestic remedies below).

The authorities' efforts to develop possibilities for work and activities in the high-security zone and the improvement of practices on the use of handcuffs are also significant steps in the right direction. However, the offer of activities in the high-security zone appears to be unequal from one facility to another and some facilities appear less able to prevent excessive isolation. It seems therefore necessary to either further develop the regime(s) applicable in the high-security zone, in the light of the recommendations of the CPT, or to provide additional information indicating that the practical implementation of these regimes is such as to ensure sufficient human contact and access to physical and other meaningful activities, and to develop or provide information on existing tools for reducing the isolation of prisoners who are considered unfit for placement outside this zone.

Finally, the Committee could urge the authorities to adopt without delay legislative measures to put an end to the automatic isolation, without individual risk assessment, of detainees held on remand and accused of offences punishable by life imprisonment or imprisonment of more than 15 years.

d) Domestic remedies

The European Court has repeatedly confirmed that the remedies introduced in response of the *Neshkov* pilot judgment have the necessary characteristics to ensure effective examination of requests to put an end or compensate for treatment in breach of Article 3. That said, given that it has found violations of Article 3 because of the low amounts of damages awarded in some cases and the insufficient judicial consideration of the applicant's complaint concerning his isolation and the lack of activities under the "special regime", it still seems necessary to consolidate their implementation in some respects or to provide further information on their functioning after the completion of the analysis foreseen by the authorities in this regard.

As concerns the compensatory remedy, it appears necessary to provide additional information on the impact of the recent awareness-raising measures aimed at ensuring that adequate amounts of damages are awarded. As concerns the preventive remedy, further improvement of conditions of detention appears necessary to ensure that it can function properly in all situations. It is also necessary to receive information on the judicial practice concerning requests to put an end to excessive isolation or lack of physical activities in the high-security zone or clarifications on adjustments that could be made to put an end to such situations, demonstrating the existence of legal tools for eradicating the underlying problems. As regards judicial review of the decisions of a prison director to continue to apply the special regime, not to allow placement outside a high-security zone or not to allow activities with other categories of inmates, further information is needed on its legal effects (scope, effects of the annulment of the decision) and on any interactions with the preventive remedy.

As concerns the accessibility of the remedies, the authorities should be encouraged to ensure that detainees have access to the relevant legal framework and to provide their assessment as to whether specific measures are needed in response to allegations that detainees might suffer negative administrative practices because of the use of remedies. Moreover, while as a whole the rules on fees and court costs do not appear to place an excessive burden on an inmate whose request is justified, it is useful to provide more detailed information on the judicial practice on exemption from court costs and fees; legal aid; situations in which the obligation to pay the remuneration for an in-house lawyer in case of loss is applicable.

Finally, the authorities should provide their assessment as to whether seizures of prisoners' assets affect their capacity to purchase basic hygiene items, and if so, to ensure that this is not the case or that such items are provided by the administration, since lack of such items could in some situations lead to a breach of Article 3^[11].

Financing assured: YES

[1] Case proposed for classification, see CM/Del/Dec(2021)1411/B1-add2

[2] Case proposed for classification, see CM/Del/Dec(2021)1411/B1-add2

[3] This case concerns also the impossibility to obtain a reduction of a life sentence, because of the lack of safeguards surrounding the exercise of the presidential power of clemency until 2012 and because of the lack of a genuine opportunity of reforming oneself after 2012

(due to poor conditions of detention and very restrictive prison regime).

[4] The general measures concerning these violations are examined in the context of the precedent cases *Velikova* and *Stoine Hristov*, or have already been examined in the context of the cases *Assenov and Others* (ResDH(2000)109), *Nikolov and Shishkov* (CM/ResDH(2007)158), *Yankov* (CM/ResDH(2013)102), *Evgeni Ivanov* (CM/ResDH(2012)164), *Bochev* (CM/ResDH(2017)382), *Dimitrov and Hamanov* and *Kitov* (CM/ResDH(2015)154 and CM/ResDH(2017)420), *Petrov* (CM/ResDH(2014)258).

[5] The general measures concerning this violation have been examined in the *Iordan Petrov* case (CM/ResDH(2019)328).

[6] See also the submissions of the Bulgarian Helsinki Committee of 9 August 2016 and the authorities' reply (DH-DD(2021)814).

[7] The regime in open-type prisons hostels is more relaxed and allows inmates to enjoy bigger freedom of movement.

[8] The IDFs accommodate persons who are detained on remand and had not yet been sent to trial.

[9] While the special regime is applied mainly to life prisoners, it can be applied also to other categories of prisoners in certain situations.

[10] See case of *Atanasov and Apostolov v. Bulgaria*, ((dec.), no. 65540/16, 27 June 2017.

[11] See the *Radev* judgment, § 55, see also H-EXEC (2021)16 for more detail.

Related documents

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