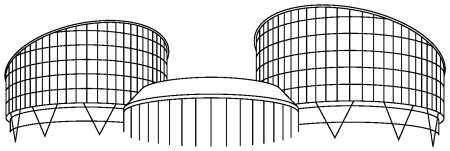

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 1088/10
Raimonds MERZAĻIJEVS
against Latvia

The European Court of Human Rights (Fourth Section), sitting on 13 November 2014 as a Chamber composed of:

George Nicolaou, *President*,
Ineta Ziemele,
Ledi Bianku,
Nona Tsotsoria,
Paul Mahoney,
Krzysztof Wojtyczek,
Faris Vehabović, *judges*,

and Françoise Elens-Passos, *Section Registrar*,

Having regard to the above application lodged on 6 March 2010,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Raimonds Merzaļijevs, is a Latvian national who was born in 1951 and is serving a prison sentence in Riga. He was represented before the Court by Ms I. Nikuļceva, a lawyer practising in Riga.

2. The Latvian Government ("the Government") were represented by their Agent at the time, Ms I. Reine, and subsequently by Ms K. Līce.

A. The circumstances of the case

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

4. The applicant was arrested on 18 December 2006.

5. Between 16 October 2008 and 15 April 2010 he was held in the Grīva wing of Daugavgrīva Prison (*Daugavgrīvas cietums*).

1. Body searches in 2009

6. Between 30 October and 13 November 2009 the applicant was subjected to strip searches. In particular:

- on 30 October 2009 owing to his being escorted from the Grīva wing to Daugavpils wing in Daugavgrīva Prison;
- on 2 November 2009 because he was being escorted from Daugavgrīva Prison to a court in Rēzekne;
- on 6 November 2009 for the purposes of being escorted from the court in Rēzekne to Daugavgrīva Prison; in his letter to the Court of 28 May 2010 the applicant submitted that on 6 November 2009 he had not been escorted anywhere; and
- on 13 November 2009 – twice, prior to being escorted to a court in Daugavpils and upon his return from the court. In their additional observations, the Government specified that the first search had been partial and that the second search had taken place on the premises of the courthouse.

7. The applicant submitted that on 13 November 2009 he had been searched a further five times, when being taken from the holding cell to the courtroom and back on two occasions, and prior to his return to the prison. As a result, on 13 November 2009 he had been searched on a total of seven occasions, on three of which he had been directed to strip naked. In response to the Government's observations, he averred that on 13 November 2009 he had been searched eight times and each time had been told to undress.

8. According to the Government, body searches in Daugavgrīva Prison were conducted in a special room in the prison admissions unit, by two prison warders, one of whom carried out the search while the other filled out the forms. During the search on 13 November 2009 on the premises of the courthouse the applicant had been asked to squat once.

9. The applicant, however, stated that he had been searched in the presence of other inmates and, while naked, had been told to squat up to five times or to lie down on the floor. As two or three inmates had been searched at the same time, seven or eight prison warders had been present.

2. Provision of food when escorted to court in November 2009

10. The applicant submitted that for the whole day on 13 November 2009, when he was taken for a court hearing to Daugavpils, he had not been provided with food.

11. Referring to the escort log of Daugavgrīva Prison, the Government contended that on 13 November 2009 the applicant had left the prison at 8.55 a.m. and had returned the same day at 11.35 a.m. They stressed that according to the order issued by the governor of Daugavgrīva prison on 1 November 2008, breakfast was served between 7 a.m. and 7.40 a.m. and lunch between 12 p.m. and 1 p.m. The applicant had been removed from his prison cell at around 8.20 a.m. and had returned to the cell at around noon.

12. The applicant disagreed. Replying to the Government's observations, he stated that, owing to the length of the various procedures prior to leaving the prison premises, it was not even theoretically possible that on the critical day, 13 November 2009, he could have had breakfast. Furthermore, breakfast was served to inmates in their cells, which the applicant had left at around 6.30 a.m. He had returned to his cell at around 4 p.m., after lunch had been served. In addition, during the journey to the court in Daugavpils and his time there he had had no access to drinking water.

3. Clothing during the winter between 2008 and 2010

(a) Alleged lack of warm clothing

13. The applicant submitted that when he had been placed in Daugavgrīva Prison the temperature in the cells had been low, between five and eight degrees Celsius. A member of the prison staff, however, had refused to issue him with winter clothing, stating that he already had his own clothing. In the applicant's submission, he had indeed been wearing a leather jacket, but it had been for the summer only and had subsequently been taken away from him. Furthermore, during the search on 6 November 2009 the applicant's autumn jacket had been taken away. He had been left with a summer jacket without any lining.

14. The applicant submitted that on certain dates in January 2010 he had been required to shovel snow in the prison yard. In his application to the Court the applicant specified two sets of dates, namely 14, 15 and 18 January 2010 and 15, 18 and 19 January 2010. He could not refuse to perform that work. If he had, he would have been liable to a penalty of fifteen days' confinement in a disciplinary cell for disobeying prison orders. The temperature outside had been between minus fifteen and minus twenty degrees Celsius and the applicant had suffered greatly from the cold. Furthermore, he had not been in good health.

15. As a result, he had once again started having problems with his heart. On 19 January 2010 he had been placed in the prison hospital.

16. On 28 January 2010 the applicant's hospital cell had been inspected by three officers. At their request the applicant had also relayed to them his complaint about the jacket confiscated on 6 November 2009. Although the

officers promised to clarify the matter, the applicant had not received any response.

17. On 1 February 2010 the applicant was discharged from the prison hospital.

(b) Complaints to the domestic authorities about warm clothing

18. According to the applicant's submissions in his application to the Court and his comments in reply to the Government's observations, on several occasions he had raised the issue of the cold conditions in the prison and the lack of winter clothing. In autumn 2008 he had submitted a written complaint to the authorities in Daugavgrīva Prison. On 7 September 2009 he had written a letter to the Prisons Administration and in November 2009 he had complained to prison staff. In December 2009 he had complained to the commission during their inspection of his prison cell. He had also complained verbally and in writing at other times but had not recorded those complaints.

19. The Government furnished a copy of a handwritten complaint by the applicant dated 5 January 2009, addressed to the Ministry of Justice. The stamp on the complaint indicated that it had been received at the Ministry of Justice on the much later date of 14 January 2010. In his reply to the Government's observations the applicant stated that he had written to the Ministry of Justice on 5 January 2010.

20. In the complaint he stated that during the search on 6 November 2009 his autumn jacket had been taken from him. The prison warders had explained that he had two jackets but that by law he could keep only one. The applicant had tried to explain that the other jacket was in fact a summer pullover, but to no avail. As a result, he had been prevented from taking walks during the winter.

21. In the same complaint he stated that in mid-December 2009 he had raised the issue of the jacket with prison staff. He had been told that he needed to write a request to the prison governor and that "maybe [he] would be given the jacket". In reply to the applicant's question as to how soon his request would be reviewed, he had been told "within thirty days". In his complaint to the Ministry of Justice the applicant criticised the fact that he would therefore receive his jacket in mid-February 2010.

22. On 25 January 2010 the Ministry of Justice informed the applicant that the matter of appropriate clothing fell within the competence of the Prisons Administration, to which it had accordingly been transmitted for examination. The Ministry advised the applicant that the conduct of a member of prison staff could be the subject of a complaint to the head of the Prisons Administration and subsequently to a court.

23. In the course of examination of the applicant's complaint, the Prisons Administration requested information from Daugavgrīva Prison on 5 February 2010. On 16 February 2010 the prison replied that the applicant

could request permission in writing to retrieve his personal items from the stores. The applicant however had made no such request. Daugavgrīva Prison further stated that on 10 February 2010 that procedure had been explained to the applicant.

24. On 24 February 2010 the Prisons Administration replied to the applicant, stating that, according to its information, he had been provided with clothing appropriate to the season. On 10 February 2010 when the procedure for retrieving items from the stores had been explained to the applicant, he had refused to write any request. The possibility of retrieving clothing from the stores could be considered on submission of the relevant request by the applicant.

25. In his reply to the Government's observations the applicant disputed the assertion that the procedure for retrieving his clothes had been explained to him on 10 February 2010. He further maintained that by law he was not required to submit a written request asking the prison to provide him with clothing. That duty had to be fulfilled by the prison of its own initiative. Furthermore, he was entitled to submit such a request verbally.

26. In his letter to the Court dated 26 May 2010 the applicant stated that on 3 March 2010 he had submitted a written request to the governor of Daugavgrīva Prison, indicating that he lacked seasonally appropriate clothing and that anyone who had informed the Prisons Administration to the contrary had been a liar.

27. The applicant indicated that in response to that request he had been summoned on 5 March 2010 to the office of his prison unit inspector. Because the applicant had accused a source of information of lying he had been threatened with placement in an isolation cell and with beating. The inspector had then examined the applicant's belongings. Having found no winter clothing he had questioned the applicant's cellmates. The applicant had then been taken to the stores and given all his clothes.

28. The applicant submitted that on 16 March 2010 he had written a letter to the Prisons Administration in connection with its reply of 24 February 2010 (see paragraph 24 above), because he considered that the Administration had been misinformed about the matter of his clothing. On 19 March 2010 the letter was returned to the applicant with a request to place it in an envelope and pay for the postage. The letter was accompanied by a note citing Article 50(4) of the Sentence Enforcement Code (*Sodu izpildes kodekss*) (see paragraph 33 below). The applicant exchanged two days' worth of white bread rations for an envelope and a stamp and eventually managed to dispatch his letter on 6 April 2010.

29. It appears that on 22 March 2010 the Prisons Administration responded to a further request by the applicant dated 11 February 2010 regarding the issue of warm clothing. It referred back to its earlier reply of 24 February 2010 (see paragraph 24 above). It indicated that the applicant's

personal items were in the prison stores and that they could be obtained if the applicant sent a written request to the prison governor.

30. On 11 May 2010 the Prisons Administration replied to the applicant's request of 6 April 2010 in which he had criticised its response of 22 March 2010. The Prisons Administration did not address that part of the request as it had already responded on the matter.

B. Relevant domestic law

31. The Administrative Procedure Law (*Administratīvā procesa likums*) took effect on 1 February 2004. It provides, among other things, for the right to challenge administrative acts (*administratīvais akts*) and actions of the public authorities (*faktiskā rīcība*) before the administrative courts (see *D.F. v. Latvia*, no. 11160/07, § 40, 29 October 2013, and *Melnītis v. Latvia*, no. 30779/05, § 24, 28 February 2012).

32. Section 124 of the Administrative Procedure Law makes a State fee (*valsts nodeva*) payable for the lodging of a complaint or an appeal in proceedings before the administrative courts. Section 128(3) of the Law reads as follows:

> "(3) A court or a judge, in the light of a natural person's financial situation, may fully or partly exempt the person from the payment of the State fee at the person's request."

33. Article 50(4) of the Sentence Enforcement Code reads as follows:

> "A convicted person's correspondence with State institutions shall be paid for out of the funds of the custodial institution, provided the person concerned does not have funds on his or her own card and he or she is challenging an administrative act or the action of a public authority issued by those institutions or is sending a request for the receipt of State-provided legal aid."

COMPLAINTS

34. The applicant complained that the body searches to which he had been subjected on 30 October and 2, 6 and 13 November 2009 had been in breach of Article 3 of the Convention. Under the same provision he complained that he had not been provided with food for the entire day on 13 November 2009, when he had been escorted from Daugavgrīva Prison to a court hearing in Daugavpils.

35. Further, the applicant complained that during the search on 6 November 2009 his warm jacket had been taken away from him and prison staff had not responded to his grievances in that regard. As a result, he had been extremely cold for the entire winter. Furthermore, on 15, 18 and

19 January 2010 he had had to work outside in the freezing cold without adequate clothing.

THE LAW

A. Scope of the case

36. After the communication of the application to the Government, the applicant raised the issue of regular body searches at Daugavgrīva Prison and complained of specific searches in April and October 2010.

37. As it has decided in previous cases, the Court is not required to rule on complaints raised after the communication of an application to the Government (see *Ruža v. Latvia* (dec.), no. 33798/05, § 30, 11 May 2010 and the case-law cited therein).

B. Alleged violation of Article 3 of the Convention on account of the body searches and the lack of food when escorted to a court hearing, and the lack of warm clothing in Daugavgrīva Prison

38. The applicant raised several complaints under Article 3 of the Convention, which reads as follows:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

39. In particular, he complained about the body searches to which he had been subjected on 30 October and 2, 6 and 13 November 2009, and of not having been provided with food for the entire day on 13 November 2009, when he had been escorted from Daugavgrīva Prison to a court hearing.

40. He further contended that during the search on 6 November 2009 his warm jacket had been taken away from him and that prison staff had not attended to his grievances in that regard. Consequently, he had been extremely cold for the entire winter. Also, on 15, 18 and 19 January 2010 he had had to work outside in the freezing cold without adequate clothing.

1. The parties' submissions

(a) The Government

41. With regard to all the applicant's complaints the Government first raised the argument of non-exhaustion of domestic remedies.

42. They observed that the applicant had not complained about the body searches or the lack of food to the Prisons Administration or to the administrative courts. As to the applicant's complaint about the lack of

warm clothing, the Government stressed that if the applicant had not been satisfied with the Prisons Administration's reply of 24 February 2010 he could have applied to the administrative courts, which he had not done.

43. In support of their argument the Government referred to several examples of administrative court judgments dealing with complaints comparable to those in the present case.

44. In relation to body searches, they submitted that the Administrative District Court (*Administratīvā rajona tiesa*), in its judgment of 19 October 2009 (in case no. A42519807), had examined a detainee's complaint about strip searches between 6 and 16 October 2006. The District Court had awarded monetary compensation of 1,000 Latvian lati (LVL) (roughly corresponding to 1,423 euros (EUR)) (for further details of this judgment see *Savičs v. Latvia*, no. 17892/03, §§ 73 and 74, 27 November 2012). In their additional observations the Government observed that the judgment had become final.

45. The Government furnished another judgment of the Administrative District Court of 12 May 2010 (in case no. A42654309). In that case the District Court had declared unlawful a strip search to which a detainee had been subjected on 14 July 2008. The District Court could not examine the aggrieved party's compensation claim because he had not submitted it to the Prisons Administration prior to the lodging of his complaint with the administrative courts. Therefore he had not complied with the extrajudicial procedure in that respect. The District Court, however, had indicated that, according to the Administrative Procedure Law, once the judgment became final the aggrieved party had the right to submit a compensation claim to the competent State authority.

46. As regards the provision of food when detainees are escorted to a court, the Government referred to a judgment of the Administrative District Court of 22 November 2010 (in case no. A420644710). In that case a detainee had been awarded monetary compensation of LVL 500 (roughly corresponding to EUR 714) on account of the failure to provide him with lunch and water when he was escorted to court hearings on 19 November and 2 December 2009.

47. With regard to disputes about clothing in detention, the Government relied on a judgment of 24 August 2010 of the Administrative District Court (in case no. A42956809), where the District Court had scrutinised a detainee's complaint that between October 2008 and May 2009 he had not been provided with warm clothing and shoes. The District Court had accepted that claim. With regard to compensation, it observed that it was apparent from the complainant's submissions that he had requested compensation not because of any suffering caused to him but because the State authority had not fulfilled its statutory duty. It therefore ordered the Prisons Administration to issue a written apology.

48. The Government referred to another judgment of the Administrative District Court of 6 April 2009 (in case no. A42491406), where the District Court had examined a detainee's complaint that in May 2006 the prison had refused to accept a parcel intended for him containing certain clothing. Taking into account the degree of suffering caused to the person the District Court ruled that monetary compensation of LVL 20 (roughly corresponding to EUR 28) was appropriate.

49. In another case (no. A42659008) the Administrative Regional Court (*Administratīvā apgabaltiesa*), in a judgment of 27 October 2010, had found that a detainee had not been issued with footwear between November 2004 and June 2008 in compliance with the statutory requirements. During the court proceedings he had apparently withdrawn his compensation claim.

50. The Government contended that the applicant had known about the possibility of a complaint to the administrative courts because on 10 September 2009 the Administrative District Court had received his complaint about a disciplinary penalty imposed in detention and the proceedings for his transfer to a less strict security regime. With regard to access to the administrative courts, the Government commented in their additional observations that under the Administrative Procedure Law a judge could reduce the applicable court fee.

51. In relation to the applicant's criticism that the prison had refused to accept his correspondence of 7 September 2009, addressed to the Prisons Administration, for dispatch (see paragraph 54 below), the Government referred to the applicant's handwritten complaint about that fact dated 15 September 2009, addressed to the Prisons Administration. On 26 November 2009 the latter had replied to the applicant. Referring to Article 50 of the Sentence Enforcement Code (see paragraph 33 above), it noted that the applicant had not indicated the content of his correspondence of 7 September 2009, in order for the authorities to assess whether it had to be sent at the prison's expense.

(b) The applicant

52. In relation to the Government's argument of non-exhaustion the applicant averred that he had used all effective domestic remedies available to him.

53. He maintained that on many occasions he had complained verbally to the authorities in Daugavgrīva Prison. If those complaints were to be examined under the administrative procedure, the prison authorities were required under the Administrative Procedure Law to write them down and give them to the applicant for signing.

54. In any event, the applicant had also complained in writing. In particular, on 7 September 2009 he had requested the Prisons Administration to be transferred to another prison. That request had been partly motivated by the low temperatures and dampness in the cells in

Daugavgrīva Prison. Three times, however, prison staff had refused to dispatch the applicant's request. Furthermore, he had had to buy a stamp with the money he had received in exchange for his day's food ration. Only after the applicant had informed the prison that he would go on hunger strike had his letter been dispatched, on 17 September 2009.

55. Also, the applicant pointed out that on 5 January 2010 he had sent a written complaint to the Ministry of Justice but that it had been transmitted to the Prisons Administration. On several other occasions he had complained to the Ministry of Justice and the Prisons Administration. However, he had not kept a record of those complaints, nor did he recall the dates. In addition, the authorities in Daugavgrīva prison had "used every possibility to impede the applicant's complaints to the Prisons Administration and to the Ministry of Justice".

56. As for a possible complaint to the administrative courts, the applicant stated that neither the Prisons Administration nor the Ministry of Justice had explained to him that he had the right to apply to the administrative courts.

57. In any event, the applicant would not be able to afford a lawyer or the court fees for the proceedings before those courts. In addition, the proceedings were unreasonably long. The examples from domestic court proceedings given by the Government demonstrated that they could last for up to five years.

58. With regard to the examples of decisions concerning body searches in detention cited by the Government, the applicant observed that the judgment of 19 October 2009 (in case no. A42519807) was not yet final and that the proceedings had already lasted for more than five years. The judgment of 12 May 2010 (in case no. A42654309) had not entered into force either; the proceedings in that case were still pending.

59. The applicant referred to the judgment of 5 August 2010 (in case no. A42699809) in which the Administrative District Court had found no violation in relation to a detainee's complaint about strip searches in the presence of other inmates.

60. As to the Government's example in relation to the provision of food, namely the judgment of 22 November 2010 (in case no. A420644710), the applicant emphasised that this was the only case in which this type of complaint had been examined by the administrative courts. Moreover, that judgment was not final and therefore could not be considered to constitute case-law.

61. The applicant also criticised the examples adduced by the Government regarding disputes about clothing in detention. The judgment of 24 August 2010 (in case no. A42956809) was not final. The judgment of 6 April 2009 (in case no. A42491406) had become final but the court proceedings had lasted more than four years. Only the judgment of 27 October 2010 (in case no. A42659008), in the applicant's view,

demonstrated a "more or less effective remedy in administrative proceedings".

2. The Court's assessment

62. The Court reiterates that an applicant is normally required to have recourse only to those remedies that are available and sufficient to afford redress in respect of the breaches alleged. The existence of the remedies in question must be sufficiently certain not only in theory but also in practice, failing which they will lack the requisite accessibility and effectiveness (see *Vernillo v. France*, 20 February 1991, § 27, Series A no. 198, and *Johnston and Others v. Ireland*, 18 December 1986, § 45, Series A no. 112).

63. Turning to the case at hand, the Court notes at the outset that the applicant's complaints do not concern ongoing conditions of detention persisting at the time he lodged his application with the Court. Rather, he complains of specific episodes of body searches to which he was subjected on four dates between October and November 2009, and of a lack of food for one day in November 2009. As regards his complaints about the lack of warm clothing, the Court observes that the applicant apparently had his clothing returned to him on 5 March 2010. His complaint of having to work in the freezing cold relates to a few occasions in January 2010.

64. The Court has already considered that applicants who complain about conditions of detention may be required to make use of a compensatory remedy at national level in order to meet the requirement of exhaustion of domestic remedies (see *Ignats v. Latvia* (dec.), no. 38494/05, § 112, 24 September 2013). In principle, such a remedy could be considered capable of providing redress in respect of the applicant's complaints.

65. In that connection, the Court accepted in *Iļjins v. Latvia* ((dec.), no. 1179/10, § 37, 5 November 2013, and the case-law cited therein) that, since its judgment in *Melnītis* (cited above), it had received more examples in which the administrative courts had dealt with detainees' complaints about the conditions of their detention. In view of the evolution of the administrative courts' case-law, the Court considers that this development was sufficient for an applicant to be required to explore the effectiveness of that remedy.

66. In *Ignats* (cited above, § 110) the Court took note of the domestic case-law in which the conditions in a detention facility from 27 July 2005 to 4 August 2006 had been scrutinised. In the present case, the impugned conduct took place later in time. Nevertheless, in *Savičs* (cited above), in the context of a complaint to the administrative courts precisely about body searches, the Court was not persuaded of the effectiveness of that remedy at the time the complaint was lodged (§ 110). At the same time, the Court noted with satisfaction the improved clarity of the statutory provisions as of 23 December 2008 and the subsequent practice of the administrative courts

(ibid., § 112). The complaint in the present case, however, was lodged later than in *Savičs* and after 23 December 2008.

67. The Government also furnished further examples of administrative court judgments in which those courts had examined detainees' complaints concerning not just body searches but also the provision of food to escorted detainees and clothing (paragraphs 43 et seq. above).

68. While, as pointed out by the applicant, some of these cases did not constitute case-law as the proceedings were still pending, the cases in question did not disclose concerns as to the effectiveness of a complaint to the administrative courts, as accepted previously by the Court in *Ignats* and further endorsed in *Iļjins* (cited above).

69. With regard to the judgment of 5 August 2010 (in case no. A42699809) referred to by the applicant, the Court notes that in that judgment the Administrative District Court examined a detainee's allegations about a strip search conducted in the presence of other inmates and found those allegations to be untruthful (http://www.tiesas.lv/files/AL/2010/08_2010/05_08_2010/AL_0508_raj_A-00172-10_39.pdf).

70. The Court reiterates that once a Government claiming non-exhaustion has satisfied the Court of the effectiveness of a remedy, it falls to the applicant to establish that the remedy advanced by the Government was for some reason ineffective in the particular circumstances of the case or that there existed special circumstances absolving him from the requirement (see *Melnītis*, cited above, § 46).

71. In that connection, the applicant stressed that he had not been given information about the possibility of applying to the administrative courts (see paragraph 56 above). The Court, however, notes that, as submitted by the Government, the applicant did in fact lodge a complaint with the administrative courts in September 2009 (see paragraph 50 above). Furthermore, the Ministry of Justice, in its reply of 25 January 2010, informed the applicant of the possibility of making a complaint to the head of the Prisons Administration and subsequently to a court (see paragraph 22 above).

72. While it is clear from the applicant's submissions that he had some difficulty in having his correspondence posted from the prison to State authorities (see paragraphs 28 and 54 above), the facts also show that he conducted correspondence with the domestic authorities, including with the Prisons Administration (see paragraphs 19 and 29 above), and, as demonstrated by the Government, with the administrative courts (see paragraph 50 above).

73. Furthermore, in accordance with the statutory provisions, the applicant, if he lacked the necessary personal means, was entitled to have his correspondence in connection with administrative proceedings posted at the prison's expense (see paragraph 33 above). This issue appears to have

been examined and acknowledged also by the Prisons Administration (see paragraph 51 above).

74. It cannot therefore be said that a complaint to the administrative courts was not as such accessible to the applicant owing to the issue of posting.

75. Moreover, a further explanation would be required from the applicant as to why he deemed that in his specific circumstances he was unable to pursue administrative proceedings without a lawyer. In so far as he criticised the requirement to pay a court fee, the Court notes that under the Administrative Procedure Law it was open to him to apply for an exemption from that requirement (see paragraph 32 above).

76. Likewise, the Court is unable to accept the applicant's argument regarding the ineffectiveness of a complaint to the administrative courts on account of the duration of the proceedings before those courts, which, he alleged, could last up to five years (see paragraph 57 above). Even if in certain cases the proceedings may have lasted longer, more explanation would be required from the applicant as to why the possibility of longer proceedings attributable to the administrative courts would render a complaint before them an ineffective remedy in his specific case. In particular, the Court notes that the applicant's complaints before it did not concern an ongoing violation, in which case the duration of proceedings may be an issue (compare and contrast *Aden Ahmed v. Malta*, no. 55352/12, §§ 5, 57, 59, 61-63, 67 and 73, 23 July 2013).

77. In the context of Article 6 of the Convention, the Court, in *Ananyev and Others v. Russia* (nos. 42525/07 and 60800/08, 10 January 2012), found that the procedural rules governing the examination of monetary compensation claims in relation to conditions of detention in breach of Article 3 must conform to the principle of fairness enshrined in Article 6, including that such claims be heard within a reasonable time and that the rules governing costs must not place an excessive burden on litigants where their claim is justified (§ 228). In the present case, however, there is no issue under Article 6.

78. In the overall circumstances of the case, the Court is unable to accept that the applicant did everything that could reasonably be expected of him to exhaust domestic remedies. In particular, he did not, having complied with the extrajudicial procedure, pursue his complaints before the administrative courts.

79. The Court therefore finds that the applicant's complaints under Article 3 of the Convention concerning the body searches, the lack of food when he was escorted to a court hearing and the lack of warm clothing in Daugavgrīva Prison, including for work in the freezing cold, should be dismissed pursuant to Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

80. Accordingly, the Court does not need to examine the parties' further arguments, including those raised by the Government to the effect that the applicant lacked victim status, that his complaints were manifestly ill-founded and that he had not suffered a significant disadvantage on account of the alleged lack of food when he was escorted to court on 13 November 2009.

C. Other alleged violations of the Convention

81. Relying on Articles 3, 6, 7, 8, 13, 14 and 17 of the Convention the applicant raised various other complaints with regard to the disciplinary penalty imposed on 3 December 2008, the review of some of his requests, including his request for transfer to a less strict security regime, and the proceedings in that regard. He raised further complaints in relation to the dispatch of some of his correspondence and the refusal of long-duration visits from his partner.

82. In the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that these complaints, which were not communicated to the Government, do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Françoise Elens-Passos
Registrar

George Nicolaou
President