[Bigović v. Montenegro](http://www.prisonlitigation.org/?email_id=116&user_id=140&urlpassed=aHR0cDovL2h1ZG9jLmVjaHIuY29lLmludC9lbmc%2FaT0wMDEtMTkxNzIx&controller=stats&action=analyse&wysija-page=1&wysijap=subscriptions" \t "_blank) (no. 48343/16)

The applicant complained about his conditions of detention, and the lack of medical care. He complained also about the unlawfulness of his detention.

*Complaint under Article 3*

*Detention conditions* – The Court examined in particular the detention condition of the applicant between February 2006 and August 2009. In this regard, it noted that the CPT reports regarding this period of time point out the alarming level of overcrowding, the humidity of the cells and the lack of outdoor exercise (§§144-147). In light of the above, the Court concluded that there had been a violation of Article 3.

*Medical care* – The applicant first complained that he was not provided by the prison authorities with the special diet he had been prescribed. The Court observed that "it is clear from the case file that the remand prison could not provide for it" (§169), but noted altogether that the prison administration "took measures in order to overcome the encountered situation, albeit with the assistance of the applicant’s family" (§169) who was allowed to provide him with appropriate food once a week.

Secondly, the applicant complained that he had not been examined by a psychiatrist since August 2016 even though the medical specialist had recommended at this time that he should undergo another examination within “one or two months” (§170). However, the Court found no "evidence to suggest that the lack of prompt treatment subjected the applicant to further suffering" (§170).

Last, the applicant complained that prison officers attended his medical examinations. In this regard, the Court recalled that medical confidentiality "should not be encroached upon, unless it is strictly necessary in the specific circumstances of a case" (§172). However, even though it acknowledged that the authorities "did not provide a thorough risk profile" (§173), it recognised "the security risk presented by the fact that by the relevant time, a heavy sentence had been imposed on the applicant for a number of criminal offences, including aggravated murder" (§173). As a result it found that “the presence of prison guards during the medical examinations did not, alone, attain a sufficient level of severity to entail a violation of Article 3 of the Convention” (§173)

Complaint under article 5§3

 The applicant complained that his pre-trial detention had not been duly justified. The Court observed that the domestic courts kept using "standardised formulae" (§210) and "failed to consider his personal circumstances, such as his character and morals, home, occupation, assets, family ties and various links to the country in which he was being prosecuted" (§211). Therefore, the Court concluded that there had been a violation of Article 5§3 of the Convention.