[Gömi v. Turkey (no. 38704/11)](http://www.prisonlitigation.org/?email_id=99&user_id=140&urlpassed=aHR0cDovL2h1ZG9jLmVjaHIuY29lLmludC9mcmU%2FaT0wMDEtMTkxMDY3&controller=stats&action=analyse&wysija-page=1&wysijap=subscriptions" \t "_blank)

The case concerned the continued detention of the applicant, who has suffered from a psychotic illness since 2003.

First, the Court observed that the applicant had been sentence to an irreductible life sentence. Even though the applicant did not complain about this sentence, the Court “reiterated that it had on several previous occasions held that the enforcement of such sentences was incompatible with the requirements of Article 3 of the Convention on account of the absence of any prospect of release and any possibility of review” (press release).

Second, the Court observed that the authorities failed to monitor the evolution of the applicant’s state of health. Therefore, the medical treatment the applicant benefitted from cannot be deemed adequate. Third, the Court noted that “the fact that the applicant was unable to complain clearly and precisely about his detention in prison owing to his insanity could in no way be used to justify his current conditions of detention. The Court considered that the very nature of the applicant’s mental health meant that he was more vulnerable than the average prisoner, and his detention in prison – apart from his periods of hospitalisation – could have contributed to the worsening of his mental disorders. The authorities’ failure, throughout most of the applicant’s period of detention, to place him in a psychiatric hospital or a prison equipped with a specialist psychiatric department had necessarily exposed him to a health risk and been a source of stress and anxiety to him. Given that the relevant requirements of Article 3 had not been observed, the Court found a violation of that provision” (press release).

In view of the above the Court ruled that “it was incumbent on the respondent State, on account of the application of Article 46, to ensure that the mentally ill applicant had appropriate conditions of detention in an institution capable of providing him with the requisite psychiatric treatment, as well as constant medical follow-up” (press release)