[Guimon v. France](http://www.prisonlitigation.org/?email_id=116&user_id=140&urlpassed=aHR0cDovL2h1ZG9jLmVjaHIuY29lLmludC9lbmc%2FaT0wMDEtMTkyMjE4&controller=stats&action=analyse&wysija-page=1&wysijap=subscriptions" \t "_blank)  (no. 48798/14)

*Facts* – The applicant, a member of the terrorist organisation ETA, had been in detention for eleven years for serious terrorist offences when she requested escorted leave in order to travel to a funeral home to pay her respects to her late father. Her request was refused for logistical reasons, as were all her appeals.

*Law* – The refusal to allow the applicant to leave prison under escort in order to travel to the funeral home and pay her respects to her late father constituted interference with her right to respect for her family life. The interference was in accordance with the law and had been intended to prevent the risks of escape and disturbance of public order, and to ensure public safety and prevent disorder and crime.

The judicial authorities had examined the applicant’s request with care and found that her father’s death constituted an exceptional ground which could justify granting escorted leave. They had nevertheless rejected the request.

The applicant’s criminal profile – she was serving several prison sentences for acts of terrorism and continued to assert her membership of ETA – allied to the context in which the leave would have to be organised and factual considerations such as the geographical distance of almost 650 km were all reasons to consider that the escort arrangements needed to be particularly robust.

The applicant had submitted her request for prison leave promptly, leaving the authorities six days in which to organise an escort. However, the time available, once final permission to leave under escort had been granted, had been insufficient to arrange an escort comprising officers specially trained in the transfer and supervision of a prisoner convicted of terrorist offences and to organise the prior inspection of premises.

In the circumstances of the case there had been no practicable means of acceding to the applicant’s request other than by granting escorted leave.

Furthermore, although the applicant had not seen her father since 2009, she had had regular visits from family members and friends.

Accordingly, the judicial authorities had carried out a balancing exercise between the interests at stake, namely the applicant’s right to respect for her family life on the one hand and public safety and the prevention of disorder and crime on the other. The respondent State had not overstepped the margin of appreciation allowed to it in this sphere.

The refusal to grant the applicant’s request for escorted leave to travel to the funeral home and pay her respects to her late father had therefore not been disproportionate to the legitimate aims pursued.

Conclusion: no violation (unanimously).

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