[Kunert v. Poland](http://www.prisonlitigation.org/?email_id=116&user_id=140&urlpassed=aHR0cDovL2h1ZG9jLmVjaHIuY29lLmludC9lbmc%2FaT0wMDEtMTkyMDc2&controller=stats&action=analyse&wysija-page=1&wysijap=subscriptions" \t "_blank) (no.  8981/14)

The applicant complained about his conditions of detention and that he had been deprived of his right of access to a court in this respect.

*Complaint under Article 6§1*

While imprisoned, the applicant brought a civil claim against the Polish State Treasury for compensation on account of his detention. His claim was rejected on account "he had failed to demonstrate that the actions of the defendant had been unlawful" (§12). The applicant lodged an appeal against this decision. His appeal was rejected on account that he failed to submit his appeals in two copies.

For both proceedings, the applicant was refused legal aid on account that he "was able to formulate his claims in a clear and understandable manner" (§10).

The Court first noted that the requirement that an appeal should be sent in two copies was legitimate as it served the legitimate aim of "the proper administration of justice" (§37). Secondly, as regards the proportionality of this requirement, the Court noted that since the applicant had been provided with general information regarding the appeal procedure "it was not unreasonable to expect the applicant also to lodge his appeal in two copies" (§37 - see *contra* Parol v. Poland no. 65379/13, §§ 39-49, 18 October 2018). Therefore, the Court found no violation of Article 6§1.

*Complaint under Article 3*

The Court recalled that it had found in the case of Łatak v. Poland (no. 52070/08, 12 October 2010) that the remedy available for prisoners wishing to complaint of their detention conditions could be deemed effective. In this respect, the Court pointed out that "the applicant failed to use the available effective domestic remedy in accordance with procedural requirements because of his own procedural mistake and his lack of required diligence in the defence of his interests." (§43). Accordingly, the Court rejected the complaint for non-exhaustion of domestic remedies.