[Patsaki and Others v. Greece (no. 20444/14)](http://www.prisonlitigation.org/?email_id=99&user_id=140&urlpassed=aHR0cDovL2h1ZG9jLmVjaHIuY29lLmludC9lbmc%2FaT0wMDEtMTg5NzM0&controller=stats&action=analyse&wysija-page=1&wysijap=subscriptions" \t "_blank)

The case concerned the death of a drug addicted person in detention.

Admissibility

“The Court rejected the part of the application lodged by three of the applicants […] as they had not made an official complaint. They had merely brought an action for damages against the State under section 105 of the Introductory Law to the Civil Code. The Court considered that that action had been bound to fail and had therefore been ineffective” (Press release)

Procedural limb

“Firstly, the length of the investigation – four years and eight months to determine responsibility and decide whether the persons involved in the prisoner’s fatal overdose should be committed for trial – did not meet the diligence and promptness requirements for an investigation to be effective.

Secondly, the Court reiterated that the domestic courts should not permit life-endangering offences to go unpunished. In the present case the Chios Criminal Court had failed to summon people whose statements might have been decisive for the outcome of the case. Nor were the prisoners who had shared [the deceased’s] cell questioned by any of the authorities involved in the investigation or summoned to appear before the criminal court. Furthermore, the expert who had conducted the toxicological examination of the deceased and the prison officers who had distributed the medicines over the days leading up to the death had not been questioned. Moreover, the court had referred the case back to the public prosecutor to assess whether proceedings should be brought against the deputy governor of the prison, whom it considered as the only person who had known of the information provided by [the deceased] and who had failed to react in order to verify that information. The public prosecutor had ordered a preliminary investigation, but had not taken any procedural measures. Subsequently he had dropped the case without giving reasons, and had refused to provide the applicants with a copy of the file on the grounds that they lacked locus standi. Consequently, the Court considered that the authorities had not subjected [the deceased]’s case to the meticulous examination required under Article 2 of the Convention and that they had therefore failed to conduct an effective investigation into the circumstances of his death.” (Press release)

Substantive limb

“The Court held that the prison authorities had not had sufficient facts at their disposal to suggest that [the deceased] had been in a situation of particular danger on the day before his death or that he had faced a potentially greater risk than any other drug-addicted prisoner of undergoing fatal consequences. The Court therefore considered that the circumstances of [the deceased’s] death in Chios Prison had not been such as to incur State responsibility for the impugned death. There had therefore been no violation of the substantive limb of Article 2” (Press release)