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- I. Detention conditions in extradition cases
- II. High security regimes
- III. Access to healthcare
- IV. Access to information
- V. New challenges in exceptional circumstances



With participation of

- **Cristiana Bianco (Italy, Germany)**
- **Diana Silva Pereira (Portugal)**
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NGOs ASSISTING DEFENSE LAWYERS

European Organizations

European Prison Litigation Network (EPLN) - A network of around 30 national NGOs and bar associations from 20 European countries. Founded in 2013 by prisoners' rights defenders and law practitioners, it defends and advances prisoners' fundamental rights across Europe and advocates for reduced use of incarceration. The network offers advocacy opportunities and strategic litigation support.

European Prison Observatory - Coordinated by the Italian NGO Antigone, comprising organizations from Italy, France, Greece, Latvia, Poland, Portugal, Spain, and the United Kingdom. It studies national prison systems and alternatives to detention through quantitative and qualitative analysis.

International Organizations Operating in Europe

Penal Reform International (PRI) - A non-governmental organization with headquarters in the UK and Netherlands working globally to promote criminal justice systems that uphold human rights. Active across Europe with guidance on European Prison Rules.

The Arrested Lawyers Initiative (TALI) - Brussels-based rights group consisting of lawyers advocating to ensure lawyers and human rights defenders perform their duty without fear of intimidation, reprisal, and judicial harassment.

I. DETENTION CONDITIONS IN EXTRADITION CASES

1/ Munich higher regional court - 1 Qausl 216/25 of 12 September 2025 and 3 February 2026 – the Italian Ministry had identified a specific prison where it claimed there were no structural or organizational issues that could have infringed upon his fundamental rights

2/ R.M. v. France, no. 34994/22, Judgment 15/01/26, ECtHR – the case concerns the material conditions of detention of the applicant at Strasbourg Prison, as well as the alleged opening of correspondence exchanged with the Controller-General of Places of Deprivation of Liberty

3/ Federal Tribunal Switzerland 1C_592/2022 of 4th September 2023 – the Court briefly resumes the 3 circles theory and confirm the Swiss practice to accept extradition for additional guarantees from the Requiring State.

II. HIGH SECURITY REGIMES

Schmidt and Šmigol v. Estonia - [3501/20](#), [45907/20](#) and [43128/21](#), Judgment 28 November 2023, ECtHR

The Court expressed strong concerns about the use of solitary confinement, as a disciplinary measure, for long and consecutive periods of time as incompatible with Article 3, save for the Government being able to present compelling reasons as to the existence of exceptional circumstances that would justify such practice and to show that such disciplinary punishment was indeed used as a last resort.

Referring to [Resolution A/RES/70/175 of the General Assembly of the United Nations on United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#) and the [European Prison Rules](#), the Court noted that solitary confinement should be imposed only exceptionally as a measure of last resort and for the shortest possible period of time.

III. ACCESS TO HEALTHCARE

1/ [ECtHR, *Sy. v. Italy*, 24th January 2022](#) – the detention in an ordinary prison setting of a person suffering from bipolar disorder in the absence of an adequate overall therapeutic strategy.

2/ [ECtHR, *A.Z. v. Italy*, 4th July 2024](#) – continued detention of a prisoner notwithstanding his psychiatric disorder and repeated suicide attempts, and is particularly relevant from the Italian perspective on psychiatric vulnerability in detention.

3/ [ECtHR, *Niort v. Italy*, 27th March 2025](#) – compatibility of continued detention with a serious psychiatric disorder.

4/ [CJEU, *E.D.L.*, C-699/21](#), 18th April 2023 – how serious illness may affect surrender proceedings and may help draw out the practical implications for extradition and EAW defence work.

IV. ACCESS TO INFORMATION

Grand Chamber ECtHR, 4 March 2026, Tergek v. Türkiye (application no. 39631/20) – concerning Turkish authorities' refusal to give a prisoner photocopies or printouts sent to him by post.

V. NEW CHALLENGES IN EXCEPTIONAL CIRCUMSTANCES



1/ Decision of the Court of Appeal of Turin (2025)

2/ Decision of the Nicosia District Court (2024)

3/ Decision of the Vienna Regional Court for Criminal Matters (2023)

Detention conditions in Ukraine have been found not to meet applicable international standards. Since the commencement of the full-scale invasion, the situation has deteriorated.

THANK YOU!