



Three ETA members held in prison in Lyon: no “interference” with their right to respect of family life

In its decision in the case of [Labaca Larrea v. France and two other applications](#) (applications nos. 56710/13, 56727/13 and 57412/13) the European Court of Human Rights has unanimously decided to join the applications and declared them inadmissible. The decision is final.

The case concerned the detention in France of three ETA members in a prison located at a great distance from the residences of their families.

The Court considered that the transfer of the applicants to the Lyon-Corbas prison had not been such as to significantly impede their right to receive visits. They had not been the subject of measures to restrict or limit their right to contact with their families and there was no evidence that the journeys which their relatives had had to make had caused any insuperable, or even particularly difficult, problems.

Principal facts

The applicants, Urko Labaca Larrea, Ione Lozano Miranda and Alejandro Zoboran Arriola, are Spanish nationals who were born in 1986 and 1981.

In March 2011 they were arrested in French territory and sentenced to six, five and nine years' imprisonment respectively for various offences. After initial periods of detention in prisons in the Paris area, they were later transferred to the Lyon-Corbas prison.

Considering that the latter prison was situated too far from the residences of their families, forcing the latter to travel a great distance to visit them, the three applicants sent a letter to the investigating judge asking him, pursuant to Article 8 of the European Convention on Human Rights, to take the requisite action to put an end to that situation, which in their view infringed their right to lead a normal family life. In the absence of a reply from the investigating judge, the applicants repeated the contents of their letter in the form of a request for a procedural act. On 15 February 2013 the investigating judge issued an order rejecting the request for a procedural act. On 6 March 2013 he sent the applicants a letter explaining the reasons for their detention in the Lyon-Corbas prison. The three applicants appealed against the order of 15 February 2013. On 26 March 2013 the President of the Investigation Chamber of the Paris Court of Appeal ruled that there was no need to refer the appeal lodged against the order to the Investigation Chamber.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 4 September 2013.

Relying on Article 8 (right to respect for private and family life), the applicants complained of their transfer to the Lyon-Corbas prison, far from their homes and families. Relying on Article 13 (right to an effective remedy), the applicants complained of the lack of an effective remedy to contest their transfer to Lyon-Corbas.

The decision was given by a Chamber of seven, composed as follows:

Angelika **Nußberger** (Germany), *President*,
André **Potocki** (France),
Faris **Vehabović** (Bosnia and Herzegovina),

Yonko **Grozev** (Bulgaria),
Carlo **Ranzoni** (Liechtenstein),
Mārtiņš **Mits** (Latvia),
Lətif **Hüseynov** (Azerbaijan), *Judges,*

and also Milan **Blaško**, *Deputy Section Registrar.*

Decision of the Court

Article 8

The Court reiterated that the Convention did not secure any right for prisoners to choose their place of detention and that their separation and distance from their families were inevitable consequences of detention. Nevertheless, the fact of detaining a person in a prison so far from his family that it was very difficult, or even impossible, for them to visit him could, under certain circumstances, amount to an interference with the prisoner's family life, given that the ability of the members of his family to visit him was essential for his continued family life.

The Court noted that the applicants did not complain of being subjected to any special prison regime restricting the number of family visits they could receive or requiring the supervision of such visits. They had not been subject to any measures restricting or limiting their right to receive visits or to use the telephone. On the contrary, the case file showed that the applicants had had very frequent visits from and telephone conversations with their families.

The Court therefore considered that the applicants' transfer to the Lyon-Corbas prison had not been such as to significantly impede their right to receive visits. There was no evidence that the journeys which relatives had had to make had raised any insuperable, or even particularly difficult, problems.

The Court therefore held that the disadvantages complained of by the applicants were insufficient to amount to an "interference" with their right to respect for family life under Article 8 § 1 of the Convention. The complaint was manifestly ill-founded and had to be rejected.

Article 13

The Court reiterated that Article 13 of the Convention was only applicable if an applicant had an "arguable claim" under another provision of the Convention or the Protocols thereto.

Having declared the complaint under Article 8 inadmissible as manifestly ill-founded, the Court considered that the applicants had no "arguable claim" in respect of which they could assert their right to an effective remedy within the meaning of Article 13 of the Convention. Accordingly, it found no appearance of a breach of that provision. It followed that that part of the application was also manifestly ill-founded and had to be rejected.

The Court unanimously decided to join the applications and declared them inadmissible.

The decision is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.