

Press release issued by the Registrar

**CHAMBER JUDGMENT  
RENOLDE v. FRANCE**

The European Court of Human Rights has today notified in writing its Chamber judgment<sup>1</sup> in the case of *Renolde v. France* (application no. 5608/05).

The Court held unanimously that there had been

- a violation of Article 2 (right to life) of the European Convention on Human Rights in that the French authorities had breached their obligation to protect Joselito Renolde's right to life; and,
- a violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention in that Joselito Renolde's placement in a punishment cell had been inappropriate in view of his mental disorders.

As the applicant had not submitted any claim under Article 41 (just satisfaction), the Court held that it was unnecessary to make any such award. (The judgment is available in French and English.)

**1. Principal facts**

The applicant, H el ene R enolde, is a French national who was born in 1962 and lives in Chatou (France). She is the sister of Joselito Renolde, who was born on 17 August 1964 and died on 20 July 2000 after hanging himself in his cell in Bois-d'Arcy Prison, where he was in pre-trial detention. They are members of a family of Travellers.

In April 2000 Joselito Renolde was placed under investigation and detained pending trial for the armed assault of his former partner and their 13-year-old daughter, occasioning total unfitness for work for more than eight days, and also for criminal damage and theft.

On 2 July 2000 Joselito Renolde attempted to commit suicide by cutting his arm with a razor. The psychiatric emergency team diagnosed an acute delirious episode and prescribed him antipsychotic neuroleptic medication. On that occasion, Joselito Renolde mentioned that he had a history of psychiatric problems and that he had previously been admitted to a psychiatric institution and given neuroleptic treatment. From 3 July onwards, he was monitored by the regional medical and psychological service based in the prison and was

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<sup>1</sup> Under Article 43 of the Convention, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

placed in a cell on his own under special supervision, which took the form of more frequent patrols. He continued to be prescribed antipsychotic medication, being handed several days' supplies twice a week without any supervision by the prison medical staff of whether he actually took the medication.

On 5 July, following an assault on a warder, the disciplinary board ordered Joselito Renolde – who had appeared “very disturbed” during the inquiry into the incident – to serve 45 days in a punishment cell.

In a letter he wrote to his sister on 6 July, Joselito Renolde said that he was “at the limit” and compared his cell to a tomb, portraying himself as crucified. On 12 July his lawyer requested that her client undergo a psychiatric examination in order to ascertain whether his mental state was compatible with detention in a punishment cell.

On 20 July 2000 a warder found Joselito Renolde hanging from the bars of his cell with a bed sheet. The emergency services were unable to revive him. An expert medical report subsequently revealed that at the time of his death Joselito Renolde had not taken his neuroleptic medication for at least two to three days.

A judicial investigation was opened and members of Joselito Renolde's family, including the applicant, applied to join the proceedings as civil parties.

During the investigation the judge ordered an expert psychiatric report, which concluded that Joselito Renolde had been suffering from acute psychotic disorders and that his suicide appeared to have been the consequence not of a depressive syndrome but of an acting-out process linked to such disorders, especially if his medication had not been taken correctly.

In January 2005 the Versailles Court of Appeal upheld the investigating judge's ruling that there was no case to answer, finding that the medical staff had not been negligent in failing to supervise the taking of medication; that the investigation and the additional inquiries had found no evidence of potential negligence on the part of the prison staff either; and that neither the imposition of a disciplinary sanction nor the fact of not checking that the medication was taken had constituted a manifestly deliberate breach of a duty of care.

## **2. Procedure and composition of the Court**

The application was lodged with the European Court of Human Rights on 3 February 2005.

Judgment was given by a Chamber of seven judges, composed as follows:

Peer **Lorenzen** (Danish), *President*,  
Rait **Maruste** (Estonian),  
Jean-Paul **Costa** (French),  
Renate **Jaeger** (German),  
Mark **Villiger** (Swiss),  
Isabelle **Berro-Lefèvre** (Monegasque),  
Zdravka **Kalaydjieva** (Bulgarian), *judges*,

and also Claudia **Westerdiek**, *Section Registrar*.

### **3. Summary of the judgment<sup>1</sup>**

#### **Complaints**

Relying on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment), the applicant alleged that the French authorities had not taken the necessary measures to protect her brother's life and that his placement in a punishment cell for 45 days had been excessive in view of his mental fragility.

#### **Decision of the Court**

##### Article 2

The Court held that from 2 July 2000 onwards the authorities had known that Joselito Renolde was suffering from psychotic disorders capable of causing him to commit acts of self-harm. Although his condition and the immediacy of the risk of a fresh suicide attempt had varied, the Court considered that that risk had been real and that Joselito Renolde had required careful monitoring in case of any sudden deterioration.

As to whether the authorities had done all that could reasonably have been expected of them to avoid that risk, the Court noted the undeniable efforts made by the authorities to that end, in particular by moving Joselito Renolde to an individual cell and placing him under special supervision and medical observation.

However, the Court was struck by the fact that, despite Joselito Renolde's suicide attempt and the diagnosis of his mental condition, it did not appear that there had ever been any discussion of whether he should be admitted to a psychiatric institution.

In the light of the State's obligation to take preventive operational measures to protect an individual whose life was at risk, it might have been expected that the authorities, faced with a prisoner known to be suffering from serious mental disturbance and to pose a suicide risk, would take special measures geared to his condition to ensure its compatibility with continued detention.

In the Court's view, seeing that the authorities had not ordered Joselito Renolde's admission to a psychiatric institution, they should at the very least have provided him with medical treatment corresponding to the seriousness of his condition. However, it noted that, according to the experts, poor medicine compliance might have contributed to Joselito Renolde's committing suicide in a state of delirium. Without overlooking the difficulties with which those working in a prison environment were faced, the Court had serious doubts as to the advisability of leaving it to a prisoner known to be suffering from psychotic disorders to administer his own daily medication without any supervision.

Although it was not known what had made Joselito Renolde commit suicide, the Court concluded that the lack of supervision of his daily taking of medication had played a part in his death.

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<sup>1</sup> This summary by the Registry does not bind the Court.

Lastly, the Court noted that three days after his suicide attempt, Joselito Renolde had been given the maximum penalty by the disciplinary board, namely 45 days' detention in a punishment cell. No consideration seemed to have been given to his mental state, although he had made incoherent statements during the inquiry into the incident and had been described as "very disturbed".

The Court observed that placement in a punishment cell isolated prisoners by depriving them of visits and all activities, and that this was likely to aggravate any existing risk of suicide.

It reiterated that the vulnerability of mentally ill people called for special protection. This applied all the more where a prisoner suffering from severe disturbance was placed, as in the present case, in solitary confinement or a punishment cell for a prolonged period, which would inevitably have an impact on his mental state, and where he had actually attempted to commit suicide a few days previously.

The Court therefore concluded that the authorities had failed to comply with their obligation to protect Joselito Renolde's right to life, in breach of Article 2.

### Article 3

Although it was mindful of the difficulties facing the prison authorities and of the need to punish assaults on warders, the Court was struck by the fact that Joselito Renolde had been given the maximum penalty for the most serious category of offence, with no consideration being given to his mental state or to the fact that it was his first such incident.

The Court observed that a penalty of this kind entailed the prohibition of all visits and all contact with other prisoners. It also appeared from the evidence that Joselito Renolde had been suffering from anguish and distress during this period, as was attested in particular by the letter he had written to his sister on 6 July 2000. The penalty was severe and might well have threatened his physical and moral resistance.

The Court reiterated that prisoners known to be suffering from serious mental disturbance and to pose a suicide risk required special measures geared to their condition in order to ensure compatibility with the requirements of humane treatment.

It considered that the penalty imposed was not compatible with the standard of treatment required in respect of a mentally ill person and constituted inhuman and degrading treatment and punishment, in breach of Article 3.

Judge Villiger expressed a concurring opinion, which is annexed to the judgment.

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The Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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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.*