

10486/83

the person is detained on remand. However, in assessing whether such a measure may fall within the ambit of Article 3 of the Convention in a given case, regard must be had to the particular conditions, the stringency of the measure, its duration, the objective pursued and its effects on the person concerned. Complete sensory isolation coupled with complete social isolation can no doubt ultimately destroy the personality, and may therefore, in certain circumstances, constitute a form of inhuman treatment which cannot be justified by the requirements of security, the prohibition of torture and inhuman treatment contained in Article 3 of the Convention being absolute in character (cf. No. 5310/71, Ireland v. the United Kingdom, Comm. Report 25.1.76, p. 379, Eur. Court H.R., Series B No. 23, p. 390).

As regards the form of isolation to which the applicant was subjected, the Commission has noted that the applicant was kept in a cell in Vestre Faengsel where he was allowed to listen to the radio and watch television. The Commission further observes that throughout the period when he was kept in isolation the applicant was allowed to exercise in the open air for one hour every day. He had the loan of books from the prison library. He was in contact with prison staff several times every day in connection with *inter alia* the handing out of food and exercise in the prison yard. Furthermore, he was in contact with various persons in connection with a number of court hearings. Throughout the period of isolation the applicant was not subject to any restrictions with regard to visits by his counsel. After some time he was also allowed to receive controlled visits by his family and could see them twice a week.

The Commission furthermore recalls that the applicant's criminal case concerned fraud and embezzlement on a large scale, involving more than 800 persons and necessitating investigations of financial matters in several countries. The decision to isolate the applicant and the other restrictions to which he was subjected with regard to visits were therefore justified by the nature of the charges against him.

Bearing the aforementioned facts in mind the Commission concludes that the solitary confinement imposed on the applicant during the period of detention on remand was not of such severity as to constitute inhuman or degrading treatment in violation of Article 3 of the Convention.

This part of the application is therefore manifestly ill-founded within the meaning of Article 27 para. 2 of the Convention.

2. The applicant has also complained that he was not brought to trial within a reasonable time as guaranteed to him under Article 5 para. 3 of the Convention, which reads:

"Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial."

