



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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THIRD SECTION

Application no. 9447/24
Teodora Dimitrova VASILEVA
against Bulgaria
lodged on 21 March 2024
communicated on 18 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the allegedly inadequate medical care provided to the applicant's father during his imprisonment, and his death in custody at the age of 59.

Following his extradition from Cyprus, the applicant's father was placed in Sofia Prison on 8 December 2017 to serve a three-year sentence for aggravated hooliganism. During his detention, he was hospitalised on several occasions due to arterial hypertension and complications arising from a previous stroke. He was monitored by prison healthcare staff and prescribed medication; however, his health continued to deteriorate. In the course of his imprisonment, he developed dementia. At one point, his legal representative requested that the prosecution authorities suspend the execution of his sentence on health grounds. That request was refused in a decision of 12 March 2018 on the basis that he had previously absconded, necessitating extradition. He died on 26 November 2018.

In 2019, the applicant brought tort proceedings against the prison administration, alleging that it had failed to ensure access to adequate and effective medical care and was therefore responsible for her father's death. The case was examined by the Sofia City Administrative Court. It observed that the applicant's father had entered prison in an already fragile state of health, for which the prison authorities could not be held responsible, and that he had generally received satisfactory medical treatment while in custody.

However, according to a medical expert report, the progression of his dementia had required appropriate day-to-day care and meaningful social interaction, while his post-stroke condition had necessitated suitable living conditions, regular neurological monitoring and continuous medical treatment. Such care could not be adequately provided within the prison environment.

The Sofia City Administrative Court accordingly found the prison administration liable. It held that, following the refusal of March 2018, the prison authorities had failed to initiate proceedings for a further suspension of the execution of the sentence on health grounds pursuant to Article 447 of the Code of Criminal Procedure. Nor had they taken steps to seek the applicant's father's release under medical supervision under Article 89 of the Criminal Code, on the ground that the progressing dementia had rendered him criminally irresponsible. He or his family had not themselves requested such measures as well. The prison administration's failure to take adequate action had been one of the factors contributing to the applicant's father's death; accordingly, the domestic court made a rather low award to the applicant, in the amount of 5,000 Bulgarian leva (BGN) – approximately 2,550 euros (EUR).

On appeal, the Supreme Administrative Court, in a final judgment of 21 November 2023, dismissed the applicant's claims, finding that her father had received adequate medical care while in prison. It noted, in particular, that he (or his family) had not taken steps to seek suspension of the sentence and had not appealed against the decision of 12 March 2018. Accordingly, the prison administration could not be held liable on that basis.

The applicant complains under Article 3 of the Convention that her father was not provided with adequate medical care during his imprisonment. She further complains, under Article 2 of the Convention, that the Bulgarian authorities failed to take the necessary measures to protect his life.

QUESTIONS TO THE PARTIES

1. Has the applicant's father been subjected to inhuman or degrading treatment in Sofia Prison, in breach of Article 3 of the Convention? In particular, did the circumstances and manner of the medical care provided by the prison authorities amount to such treatment? Was his state of health compatible with imprisonment?

2. Did the State authorities comply with their obligation to protect the applicant's father's right to life, ensured by Article 2 of the Convention?

The parties are invited to comment on the possibilities for the prison administration, the applicant's father or members of his family to seek a suspension of the sentence under Article 447 of the Code of Criminal Procedure, or release under medical supervision under Article 89 of the Criminal Code.