

Keus v. the Netherlands

ECtHR, 12228/86,

judgment 25 October 1990

Facts

App was sentenced to 4 years' imprisonment for murder and other offences. After serving his sentence, he was placed at the gov's disposal in a P-H for 2 years. Whilst in hospital he absconded, and a court prolonged the detention. The court heard the prosecutor and a member of the hospital staff, but neither App nor his lawyer was informed of this. App alleged vio of Art. 5, complaining of not being involved in the prolongation procedure and that he could not challenge the legality of his prolonged detention.

Judgment

Art. 5(1) – no vio. Complaints related to the proceedings should be examined under Art. 5(4).

Art. 5(2) – no vio. App had knowledge of the extension as soon as he contacted the hospital by telephone.

Art. 5(4) – no vio. The proceedings amounted to an automatic periodic review which complied with national legislation and was conducted with the aim to protect the App from arbitrariness. There actually were remedies available to App which he chose not to pursue.