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

FIFTH SECTION

DECISION

Application no. 6100/23
Izmir ABAZI
against Italy

The European Court of Human Rights (Fifth Section), sitting on 6 November 2025 as a Committee composed of:

María Elósegui, *President*,
Gilberto Felici,
Diana Sârcu*, judges*,
and Sophie Piquet, *Acting Deputy Section Registrar*,

Having regard to:

the application (no. 6100/23) against the Italian Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 9 March 2023 by an Albanian national, Mr Izmir Abazi, who was born in 1989 and lives in Bolzano ("the applicant"), and was represented by Mr N. Canestrini, a lawyer practising in Rovereto;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the decision to indicate an interim measure to the Italian Government ("the Government") under Rule 39;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

On 24 August 2022 the applicant was arrested in Italy on the basis of a European Arrest Warrant (EAW) issued by Greek judicial authorities pending a criminal trial against him for homicide and robbery committed in Greece.

On 9 November 2022 the Bolzano Special Section of the Trento Court of Appeal authorised the execution of the EAW and ordered the transfer of the applicant to Greece. In the course of the proceedings, the Greek authorities informed the court that the applicant would be transferred to Korydallos Prison and that, considering the overcrowding of the facility, he could choose,

if he so wished, to be placed in the modern and not overcrowded wings of the facility. They also specified that detainees were provided with medical assistance, access to schooling projects, therapeutic programmes, extensive time in open air and regular visits by relatives and lawyers. While acknowledging the problematic material conditions at Korydallos Prison, the Court of Appeal held that the Greek authorities had provided sufficient assurances to the effect that the applicant would be ensured adequate conditions of detention.

The applicant lodged an appeal on points of law with the Court of Cassation, claiming that the information provided by the Greek authorities was incomplete.

On 10 January 2023 the Court of Cassation dismissed the applicant's appeal on points of law.

On 18 January 2023 the Court of Appeal granted a postponement of the transfer to 6 February 2023.

On 6 February 2023, on a request by the applicant under Rule 39, the Court decided to provisionally indicate to the Italian authorities that they should suspend the applicant's removal to Greece until 27 February 2023 and requested the Italian Government to submit further information and documents. On that same date the Court reconsidered the application of Rule 39 in the light of information provided by the parties and decided not to prolong the interim measure.

On an unspecified date, the applicant was transferred to Greece.

On 3 March 2023 the applicant lodged the present application with the Court. He alleged that he was at risk of being subjected to treatment contrary to Article 3 of the Convention and a risk to his life under Article 2 in the event that the EAW was enforced, in the light of the conditions of detention at Korydallos Prison, as described in the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 2022 on Greece (CPT/Inf (2022) 16).

On 30 May 2024 the Registry of the Court sent a letter to the applicant's representative, requesting an update on his client's situation.

The applicant's representative replied, informing the Court that he had lost contact with the applicant since his transfer to Greece and that he was not able to provide the Court with any information about his client. The representative reported that he had submitted requests, on 21 and 26 April 2024, to the Italian Consulate in Greece to verify the respect of the assurances on the applicant's conditions of detention at Korydallos Prison. The requests remained unanswered.

THE COURT'S ASSESSMENT

The Court reiterates that an applicant's representative must not only supply a power of attorney or written authority (Rule 45 § 3), but that it is

also important that contact between the applicant and his or her representative be maintained throughout the proceedings. Such contact is essential both in order to learn more about the applicant's particular situation and to confirm the applicant's continuing interest in pursuing the examination of his or her application (see *V.M. and Others v. Belgium* (striking out) [GC], no. 60125/11, § 35, 17 November 2016; *Sharifi and Others v. Italy and Greece*, no. 16643/09, § 124, 21 October 2014; and, *mutatis mutandis*, *Ali v. Switzerland*, 5 August 1998, § 32, *Reports of Judgments and Decisions* 1998-V). In *N.D. and N.T. v. Spain* [GC] (nos. 8675/15 and 8697/15, § 73, 13 February 2020), the Court held that in cases in which the applicant's representative had lost touch with his or her client, including in cases concerning expulsion of aliens, such situation might warrant striking the application out of the list of cases under Article 37 § 1. The lack of contact was sometimes taken as an indication that the applicant no longer wished to pursue the application within the meaning of Article 37 § 1 (a) (see *Ibrahim Hayd v. the Netherlands* (dec.), no. 30880/10, 29 November 2011, and *Kadzoev v. Bulgaria* (dec.), no. 56437/07, § 7, 1 October 2013) or that examination of the application was no longer justified because the representative could not "meaningfully" pursue the proceedings before the Court in the absence of instructions from the applicant, despite the fact that the lawyer had authority to continue with the proceedings (see *Ali*, cited above, §§ 30-33, and *Ramzy v. the Netherlands* (striking out), no. 25424/05, §§ 64-66, 20 July 2010). In some cases, the Court's findings combined these two reasons (see *M.H. and Others v. Cyprus* (dec.), no. 41744/10, § 14, 14 January 2014, and *M.Is. v. Cyprus* (dec.), no. 41805/10, § 20, 10 February 2015). In *Sharifi and Others* (cited above), the Court struck the application out of its list of cases with regard to some of the applicants in respect of whom the information provided by the lawyer was vague and superficial and insufficiently substantiated (see *Sharifi and Others*, cited above, §§ 127-29 and 131-34).

The Court reiterates that those conclusions rested on the assessment of the specific circumstances which had led to the loss of contact in each individual case. In so doing, the Court attached weight to several elements capable of indicating whether the losses of contact could be considered the result of the applicants' own choices or rather of factors not imputable to them. In some cases, the Court held that the inability of the lawyer to contact his or her client had been a direct consequence of the State's action in expelling the latter without any prior notice or contact with the lawyer to that effect (see *K.J. and C.C. v. Russia*, nos. 27584/20 and 39768/20, § 63, 19 March 2024; *Diallo v. the Czech Republic*, no. 20493/07, §§ 44-47, 23 June 2011; *Safaii v. Austria*, no. 44689/09, § 35, 7 May 2014; and *Shamayev and Others v. Georgia and Russia*, no. 36378/02, §§ 305-12, ECHR 2005-III; contrast *V.M. and Others v. Belgium*, cited above, § 38). The Court has also taken into consideration the living conditions of the applicants after expulsion in order

to determine whether they were so precarious to exclude any possibility for the applicants to maintain some form of contact with their lawyer (see *V.M. and Others v. Belgium,* cited above, § 38; *Sharifi and Others*, cited above, §§ 131-32; and *M.H. and Others v. Cyprus*, cited above, § 14).

The Court notes that the present case is materially different from those in which the inability of the lawyer to re-establish contact with his client was a direct consequence of the State's action.

The Court observes that the representative had maintained contact with the applicant throughout the procedure under Rule 39 before the Court and that, upon the expiry of the interim measure, a signed power of attorney was submitted to the Court together with the duly signed application form. The representative declared that he had lost touch with the applicant after his transfer to Greece. The Court notes in this connection that it has not been informed of the exact date of the transfer, nor were any particular issues reported in respect of the circumstances in which it took place that may have posed obstacles to the maintenance of contact (contrast *K.J. and C.C. v. Russia*, cited above, § 63; *Diallo*, cited above, §§ 44-47; and *Shamayev and Others*, cited above, §§ 305-12).

The Court further notes that the representative did not provide any explanation as to why he had not sought to contact his client, via written correspondence or telephone, directly with the prison facility in which he was purportedly being held. Nor has any argument been raised to the effect that the conditions of detention to which the applicant might be subjected in Greece were such as to prevent him maintaining some form of contact with his lawyer (see, *mutatis mutandis*, *V.M. and Others v. Belgium*, cited above, § 38; *Sharifi and Others*, cited above, §§ 131-32; and *M.H. and Others v. Cyprus*, cited above, § 14; with respect to measures limiting an applicant's contact with his representative, see *Zakharkin v. Russia*, no. 1555/04, §§ 155-56, 10 June 2010, and *Shtukaturov v. Russia*, no. 44009/05, § 140, ECHR 2008).

In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application.

Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 27 November 2025.

Sophie Piquet Acting Deputy Registrar	María Elósegui President