

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

THIRD SECTION

DECISION

Application no. 35638/22
Paraskevas ANGELOPOULOS
against Greece
(see appended table)

The European Court of Human Rights (Third Section), sitting on 18 June 2026 as a Committee composed of:

Úna Ní Raifeartaigh*, President*,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 13 July 2022,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr K. Tsitselikis and Mr. A. Spathis, two lawyers practising in Thessaloniki.

The applicant's complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Greek Government ("the Government"). Complaints based on the same facts were also communicated under Article 13 of the Convention.

THE LAW

Complaints under Articles 3 and 13 of the Convention regarding conditions of detention in the Patras Prison

In the present application, having examined all the material before it and the parties' arguments, the Court considers that the complaints about the applicant's conditions of detention in the Patras Prison and the lack of any effective remedy in domestic law in respect of such conditions are inadmissible for the reasons stated below.

In particular, the Government asked the Court to reject the application on the grounds of non-exhaustion of domestic remedies on account of the applicant's failure to lodge a compensatory action with the domestic courts based on Article 105 of the Introductory Law to the Civil Code for the conditions of his detention. The applicant contested the Government's arguments.

The Court reiterates that as regards the exhaustion of domestic remedies, the situation of a person who was detained under circumstances which he or she deemed contrary to Article 3 of the Convention and who apprised the Court after his or her release is different from the situation of an individual who is still in detention under the circumstances of which he or she complains. In particular as regards Greece, an action under Article 105 of the Introductory Law to the Civil Code constitutes a purely compensatory remedy which allows the person concerned to seek and obtain redress for his or her conditions of detention in prison following release or transfer (see, for instance, *Chatzivasiliadis v. Greece* (dec.), no. 51618/12, §§ 29-34, 26 November 2013, *Papadakis and Others v. Greece*, no. 34083/13, § 40, 25 February 2016; and *Zabelos and Others v. Greece*, no. 1167/15, §§ 50 and 54, 17 May 2018).

In the present application, the applicant was released from prison prior to lodging his application with the Court, namely on 6 July 2022. It follows that when he lodged his application with the Court on 13 July 2022 the applicant was no longer detained under the conditions of which he complained to the Court. Hence, by lodging his application with the Court he did not seek to put an end to an ongoing violation, but to obtain a subsequent ruling on an alleged past violation on account of the conditions of his detention in prison and, if appropriate, to receive just satisfaction for non-pecuniary damage. Therefore, an action under Article 105 of the Introductory Law to the Civil Code constituted a domestic remedy which should have been used by the applicant.

In view of the above, the Court finds that the applicant has failed to exhaust domestic remedies, and thus his complaints under Article 3 of the Convention must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

Bearing in mind the considerations made above, the complaint under Article 13 is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 9 July 2026.

Viktoriya Maradudina Acting Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Release date	Other complaints under well-established case-law
35638/22 13/07/2022	**Paraskevas ANGELOPOULOS** 1964	Tsitselikis Konstantinos Thessaloniki Spathis Antonios Thessaloniki	Patras Prison 06/07/2022	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention