

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

THIRD SECTION

DECISION

Application no. 30574/17
Christos BOUTZAS
against Greece
(see appended table)

The European Court of Human Rights (Third Section), sitting on 9 April 2026 as a Committee composed of:

Diana Kovatcheva, *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 April 2017,

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 C. Lampakis and Ms I. Pipertzi, two lawyers practising in Thessaloniki.

The applicant's complaints under Articles 3 and 13 of the Convention concerning the inadequate conditions of detention and lack of an effective remedy to complain thereof were communicated to the Greek Government ("the Government").

THE LAW

A. Complaints under Article 3 of the Convention (inadequate conditions of detention)

The applicant was detained in Larissa Prison from 1 December 2016 to 18 April 2017 when he was released.

The Government submitted that the applicant has failed to exhaust domestic remedies. The applicant contested the Government's submissions. The Court does not consider it necessary to rule on this objection since it considers that the application is in any event inadmissible for the reasons set out below.

The Government claimed that the applicant had been afforded between 7.2 to 7.4 sq. m of personal space, having been detained in a 356.28 sq. m. (excluding the toilet area and storage facilities) workers' dormitory with another forty-eight to forty-nine detainees. The Government also described in detail the overall conditions of the applicant's detention claiming that they did not cause suffering exceeding the threshold under Article 3 of the Convention.

The applicant argued that the facility had been overcrowded, and that he had been detained with another fifty-four detainees, thus having been afforded less than 3 sq. m of personal space without any privacy. He claimed that the dormitory where he had been detained had measured approximately 150160 sq. m (he had deducted the bathroom area, the corridors and the storage facilities).

The Court reiterates that the calculation of the available surface area in the cell should include space occupied by furniture, but not the in-cell sanitary facilities (see *Muršić v. Croatia* [GC], no. 7334/13, § 114, 20 October 2016). It further observes that, even assuming that the applicant had been detained with fifty-four other detainees, he would still have had approximately 6.5 sq. m of personal space.

Having regard to all the material available and to the parties' submissions, the Court notes that, even though the overall population of the prison exceeded its capacity, the applicant did not substantiate his allegations or refute the Government's arguments that the applicant had not been detained in overcrowded premises and that his conditions of detention did not amount to inhuman or degrading treatment.

The Court therefore cannot establish that the applicant suffered from severe overcrowding of the kind that could entail, on its own, a violation of Article 3 (see *Muršić*, cited above), nor that the cumulative effect of the other aspects of his detention reached the threshold of severity required to characterise the treatment as inhuman or degrading within the meaning of Article 3 (see *Bokor v. Portugal* (dec.) no. 5227/18, § 34, 10 December 2020).

In view of the above, the Court finds that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

B. Remaining complaints

Relying on Article 13 of the Convention, the applicant complained of the lack of an effective remedy in respect of his conditions of detention in both prisons. However, the complaint under Article 3 has been declared inadmissible as being manifestly ill-founded and cannot be regarded as "arguable" for the purposes of Article 13.

Therefore, the complaint under Article 13 is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 13 May 2026.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva 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	Other complaints under well-established case-law
30574/17 13/04/2017	**Christos BOUTZAS** 1960	Art. 13 - lack of any effective remedy in domestic law to complain about conditions of detention