

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

THIRD SECTION

CASE OF SAMARAS v. GREECE

(Application no. 36734/18)

JUDGMENT

STRASBOURG

9 June 2026

This judgment is final but it may be subject to editorial revision.



In the case of Samaras v. Greece,

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

Peeter Roosma*, President*,
Ioannis Ktistakis,
Lətif Hüseynov*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 36734/18) 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 27 July 2018 by a Greek national, Mr Georgios Samaras ("the applicant"), who was born in 1990, lives in Thessaloniki and was represented by Ms X. Moysidou and Mr Ch. Lampakis, lawyers practising in Thessaloniki;

the decision to give notice of the complaint concerning Article 3 of the Convention to the Greek Government ("the Government"), represented by their Agent, Mr K. Georgiadis, Senior Adviser at the State Legal Council;

the parties' observations;

Having deliberated in private on 19 May 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns, under Article 3 of the Convention, the applicant's allegations of ill-treatment by police officers and the effectiveness of the ensuing domestic investigation.

I. THE APPLICANT'S ALLEGED ILL-TREATMENT AT THE TIME OF HIS ARREST

2. On 3 May 2017 at approximately 3.10 a.m. the applicant was arrested near Thessaloniki, on suspicion of attempted theft from a pharmacy owned by G.K. He had been noticed by neighbours, who had alerted the police. According to the records of the rapid response centre (*κέντρο άμεσης δράσης*), an additional call relating to the same incident was received from a person identified as F.

A. The applicant's version of events

3. The applicant submitted that upon exiting the pharmacy – from which, he maintained, he had taken no items – he had been immediately subjected to physical violence by two police officers and a food delivery courier, K.Ch. One of the police officers had repeatedly punched him, while the second officer had placed him in a chokehold. All three individuals had then punched

and kicked him in various parts of his body. Shortly thereafter, two additional police officers had arrived at the scene and joined the first two officers in using physical force against him. During that time, he had been subjected to verbal abuse and death threats.

B. The Government's version of events

4. According to the Government, when the police officers had attempted to arrest the applicant, he had violently resisted and attacked them with a screwdriver, causing minor bodily injuries to Sergeant (*αρχιφύλακας*) A.S. and Deputy Sergeant (*υπαρχιφύλακας*) P.K. As he had continued to behave aggressively and to resist arrest, additional police assistance had been requested. Two police officers from a security patrol unit (Sergeant S. and Deputy Sergeant A.) had been dispatched to the scene to provide additional assistance. By the time they had arrived, the applicant had already been arrested and placed inside a police vehicle.

5. A further patrol crew, composed of Sergeant G. and Sergeant Tz. - who had heard radio transmissions requesting assistance – had initially proceeded towards the scene but had been informed *en route* that the incident had ended, and that the applicant was being transferred to Ampelokipi police station. They had subsequently proceeded there to verify the condition of the officers.

II. THE APPLICANT'S TRANSFER TO THE POLICE STATION AND HIS ALLEGED ILL-TREATMENT THERE

6. The applicant was placed in a police vehicle and transported to Ampelokipi police station.

A. The applicant's version of events

7. According to the applicant, during his transfer the police officers had threatened him and subjected him to verbal abuse. Upon his arrival at Ampelokipi police station, six police officers – namely the four officers who had participated in his arrest and two additional colleagues – had begun kicking him. When he subsequently attempted to flee, the police officers had used additional physical force to immobilise him – hitting him with blows, throwing him to the floor, and jumping on his body – which had caused him to bleed from various parts of his body. The area of the police station where he had been detained had become covered with blood. Despite having been rendered incapacitated and semi-conscious, the applicant had thereafter been subjected, for a period of approximately three hours, to continued physical and psychological ill-treatment, including beatings, verbal abuse, humiliation and threats. In order to inflict additional pain, police officers had deliberately

struck his right leg, even though they had been aware of a recent surgical operation and his pleas that they refrain from hitting it.

8. When morning had arrived, and prior to his appearance before the public prosecutor, the applicant had been compelled by the police to wash in order to remove any visible traces of blood. During his detention at the police station, he had not noticed the presence of any person other than the police officers and another detainee.

B. The Government's version of events

9. According to the Government, during the transfer and upon arrival at Ampelokipi police station, the applicant had remained aggressive and provocative. In order to control his behaviour, he had been handcuffed to a chair in the vestibule outside the office of the officer on duty.

10. The two arresting officers had realised at that stage that they had sustained injuries during the struggle. A.S., who had suffered injuries to both hands resulting in swelling and bleeding, had been transferred to the 424th General Military Hospital by Officers G. and Tz. and had subsequently been absent from duty until 31 May 2017. P.K. had sustained facial and head injuries and later sought medical attention but had refused to be hospitalised.

11. In the meantime, the other two police officers, S. and A., had returned to the pharmacy.

12. While detained, the applicant had attempted to injure himself by repeatedly striking his head against the wall and the floor.

13. The applicant had subsequently broken the arm of the chair to which he had been handcuffed and fell down the stairs, colliding with parts of the building. The escape attempt had been stopped by the officer on duty (Sergeant E.) and P.K. – with the assistance of I., a guard at the police station - and the applicant had been returned to the upper floor.

14. As regards the persons present at the material time, only E., P.K. and I. had been at the police station, while the remaining officers had not.

15. Lastly, the Government stated that the applicant had been offered medical assistance following the incident, which he had declined.

III. PROCEEDINGS AND DEVELOPMENTS BEFORE THE DOMESTIC AUTHORITIES

A. Criminal proceedings initiated by the applicant

16. Later that day – that is, on 3 May 2017 – the applicant lodged a criminal complaint with the public prosecutor at the Thessaloniki Court of First Instance against unidentified police officers, alleging, *inter alia*, acts of police violence and an assault by a food delivery courier. He stated that he had attempted to flee because he had been afraid of further violence. He

reserved the right to propose a witness and requested a forensic medical examination and his admission to a public hospital.

17. On 4 May 2017 the prosecutor ordered a forensic medical examination (see paragraph 32 below) and a preliminary investigation.

18. On 16 June 2017 the applicant gave a statement in which he reiterated his allegations concerning the use of force by police officers. As regards his attempted escape, he stated that he had attempted to flee because, at the material time, he had been under the influence of narcotic substances.

19. On 4 May 2017 K.Ch. appeared before the investigating judge on his own initiative. He testified that he had observed two police officers attempting to immobilise an individual who was resisting and kicking, had noted the presence of a screwdriver and, at the request of an officer, had contacted the police emergency number. He further stated that he had not observed the police officers striking or verbally abusing the individual and that he had left shortly after additional officers arrived. He also reported having been threatened prior to his testimony by persons associated with the applicant.

20. On the same date G.K. also appeared voluntarily. He confirmed that no items had been missing from the pharmacy. As regards the events at the police station, he stated that the applicant had initially been calm but had subsequently freed himself and attempted to flee, after which he had been restrained by police officers. He added that the applicant had later become verbally abusive and had struck himself. G.K. asserted that he had observed officers kicking his legs in order to restrain him.

21. In addition, attempts made to identify and secure the testimony of F. (see paragraph 2 above) proved unsuccessful.

22. By order no. 523/2017 dated 14 July 2017, the public prosecutor at the Thessaloniki Court of First Instance dismissed the applicant's complaint, concluding that the injuries sustained by him had resulted from his own behaviour during the arrest and detention and that the force used by the police officers had been necessary in order to restrain him. It was further accepted that some of the applicant's injuries could have been caused by a fall within the police premises. In reaching that conclusion, the prosecutor relied on the applicant's statement (see paragraph 18 above), the statements of two witnesses (see paragraphs 19 and 20 above), the forensic medical report (see paragraph 32 below), and the medical report drawn up at the hospital (see paragraph 33 below).

23. On 31 October 2017 the applicant lodged a recourse (*προσφυγή*) with the public prosecutor at the Thessaloniki Court of Appeal.

24. By order no. 28/2018 dated 27 March 2018, the prosecutor at the Thessaloniki Court of Appeal rejected the applicant's recourse and upheld the first-instance decision. He considered that the applicant's allegations were not supported by the evidential material in the case file and that there were

insufficient indications to justify the initiation of criminal proceedings against the police officers.

B. Administrative inquiry

25. On 5 May 2017 the competent police authorities ordered a preliminary administrative inquiry (*προκαταρκτική διοικητική εξέταση*) into the allegations of ill-treatment. On 6 May 2017 it was assigned to an officer of the Administrative Inquiries Subdivision of the Thessaloniki General Police Directorate.

26. On 6 June 2017 the two arresting officers, A.S. and P.K., submitted written statements explaining that the applicant had violently resisted arrest, attacked them with a screwdriver and injured them; they denied having used excessive force. On the same date, Officers G. and Tz. stated that they had had only brief visual contact with the applicant at the police station and had transported A.S. to hospital. On 12 June 2017 the officer on duty, E., and the police guard, I., described the applicant as aggressive and reported that he had attempted to flee, falling on the staircase, and denied any use of unlawful force. On an unspecified date, Officers S. and A. stated that they were not present at the police station at the relevant time. On 16 June 2017 the applicant reiterated his allegations of police violence, stating that his escape attempt had occurred while under the influence of narcotic substances. By a report dated 24 July 2017, the officer in charge of the inquiry concluded that no disciplinary offences had been established, and on 11 October 2017 the General Police Director of Thessaloniki adopted a decision archiving the disciplinary proceedings.

C. Criminal proceedings against the applicant

27. Criminal proceedings were also brought against the applicant for resistance and attempted theft.

28. During his examination on 13 May 2017, he stated that he had attempted to flee because he had been under the influence of narcotic substances at the material time.

29. By judgment no. 10527 dated 18 December 2017, the three-member Thessaloniki Magistrates' Court found the applicant guilty and sentenced him to one year and two months' imprisonment, convertible into a fine of five euros per day.

30. The applicant lodged an appeal. By judgement no. 1297/2024, published on 21 June 2024, the Thessaloniki Three-Member Court of Appeal for Misdemeanours dismissed the applicant's appeal.

D. Medical examinations and findings

31. On the day of the incident – that is, on 3 May 2017 – the applicant was admitted to Papageorgiou General Hospital. No specific treatment was administered during his hospital stay and he was discharged the next day.

32. On 4 May 2017 the applicant underwent a forensic medical examination (see paragraph 17 above), which recorded multiple injuries affecting his head, face, chest and limbs, including bruising and abrasions to the cranial and facial regions (notably around the left eye), as well as to the torso and extremities (the scapular, infrascapular, abdominal and lumbar regions).The injuries were classified as simple bodily injury.

33. On 5 May 2017, approximately 48 hours after his arrest, the applicant was examined at the neurosurgery clinic of Ippokratio General Hospital, complaining of a headache and dizziness. According to the medical report, bruising and swelling were observed in the left periorbital area. An injury was also described as having resulted from a bite by another person. However, no neurological signs or traumatic findings were identified, and no neurosurgical pathology was identified.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

A. Preliminary objection regarding the application as a whole

34. The Government argued that the applicant had failed to exhaust the available domestic remedies, as he had failed to bring an action for compensation under Article 105 of the Introductory Law to the Civil Code and/or an action under Articles 57 and 59 of the Civil Code, and that therefore the application should be declared inadmissible. The Court has already examined and dismissed such objections (see, for instance, *Panayotopoulos and Others v. Greece*, no. 44758/20, § 87, 21 January 2025). The Government did not put forward any elements capable of calling those findings into question. Their objection must therefore be dismissed.

B. Alleged violation of Article 3 of the Convention under its procedural limb

35. The Court notes that the complaint concerning the procedural limb of Article 3 is not manifestly ill-founded nor inadmissible on any other grounds. It must therefore be declared admissible.

36. The applicant argued that the investigation had not been effective or sufficiently thorough and had failed to clarify the cause and origin of the injuries recorded. The Government maintained that the procedural

requirements of Article 3 of the Convention had been fully satisfied. They submitted that a preliminary administrative inquiry had been ordered promptly following the applicant's complaint (see paragraphs 25 and 26 above), that a criminal investigation had been carried out at two levels of jurisdiction (see paragraphs 16-24 above), and that both sets of proceedings had been independent, thorough and reasoned. The competent authorities had examined the available evidence, including witness statements and medical material, and had provided adequate reasoning for their decisions. They further contended that the applicant's credibility was undermined by discrepancies between the accounts he had given, notably as regards the reasons he had given for his attempted escape from the police station (see paragraphs 16, 18 and 26 above).

37. The general principles concerning the effectiveness of an investigation required under Article 3 of the Convention into an arguable claim of ill-treatment were summarised in *Bouyid v. Belgium* ([GC], no. 23380/09, §§ 114-23, ECHR 2015).

38. The Court notes that the applicant's complaint under the procedural limb of Article 3 concerns the alleged ineffectiveness of the criminal investigation into his allegations of ill-treatment. Accordingly, the scope of the Court's examination is limited to that aspect.

39. The Court is not persuaded that the investigation was sufficiently thorough and effective to meet the requirements of Article 3 of the Convention. In this regard, the Court discerns a number of procedural deficiencies undermining the effectiveness of the investigation.

40. The Court observes at the outset that, following the applicant's complaint, the prosecutorial authorities carried out only limited investigative steps. They ordered a forensic medical examination at the applicant's request (see paragraph 17 above) and took a statement from him (see paragraph 18 above). In addition, two witnesses submitted statements on their own initiative (see paragraphs 19 and 20 above). It further notes that the police officers who had direct involvement in, or were present during, the applicant's arrest and detention were not questioned within the framework of the criminal investigation, but only in the context of the administrative inquiry (see paragraph 26 above). In addition, no attempt appears to have been made to identify or locate the other detainee whom the applicant claimed had been present at the police station at the material time (see paragraph 8 above) and who could potentially have corroborated or refuted his allegations.

41. As regards the medical evidence, a forensic medical examination was carried out on the day following the events and the ensuing report recorded multiple injuries affecting different parts of the applicant's body (see paragraph 32 above). The Court notes that the report failed to provide a clear explanation as to their precise cause. It further observes that a subsequent medical report referred, *inter alia*, to an injury described as having resulted

from a bite by another person (see paragraph 33 above). In this regard, the prosecutorial authorities did not take any steps to clarify the medical findings. In particular, the forensic doctors were not questioned, nor were they asked to assess the compatibility of the injuries with the applicant's allegations or with alternative explanations. In the Court's view, such an approach was not capable of elucidating the events in question, namely whether the applicant had been subjected to ill-treatment while under the control of the police (see *Andersen v. Greece*, no. 42660/11, §§ 60-65, 26 April 2018). In this connection, the Court notes that no medical examination was carried out at the time of the applicant's placement in custody (see *Andersen*, cited above, § 63, with further references).

42. As regards the contradictions contained in the applicant's statements with regard to the cause of his attempted escape (see paragraphs 16, 18 and 26 above), it appears that no attempt was made to clarify them. Yet, in the Court's view, such a measure might have helped to establish the facts (see *Panayotopoulos and Others*, cited above, § 113).

43. Having regard to the foregoing considerations, the Court concludes that the investigation into the applicant's allegations of ill-treatment did not meet the requirements of effectiveness under Article 3 of the Convention. There has accordingly been a violation of the procedural limb of Article 3 of the Convention.

C. Alleged violation of Article 3 of the Convention under its substantive limb

44. According to the Government, the applicant's allegations were vague and unsubstantiated. They submitted that the injuries recorded had been attributable either to the lawful and proportionate use of force necessary to restrain the applicant during his arrest and subsequent attempted escape, or to a fall within the police premises in the course of that escape attempt. Certain injuries could have resulted from the applicant's own conduct while in detention, including by way of his repeatedly striking himself against fixed objects. Not all of the police officers whom the applicant alleged to have been involved had been present at the police station at the relevant time.

45. The applicant complained that he had been subjected to excessive and unlawful violence by police officers during his arrest and subsequent detention. He denied having attacked the officers or having resisted arrest and maintained that the injuries recorded in the medical reports were consistent with his allegations of repeated police violence and ill-treatment.

46. As regards the general principles governing the assessment of evidence, the Court reiterates that it applies the standard of proof "beyond reasonable doubt", but adds that such proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact (see, *mutatis mutandis*, *Ireland v. the United*

Kingdom, 18 January 1978, § 165, Series A no. 25, and *Gäfgen v. Germany* [GC], no. 22978/05, § 92, ECHR 2010).

47. The Court observes that the evidence in the present case is not conclusive as to the precise cause of the injuries sustained by the applicant and that the material in the case file does not enable it to establish, beyond reasonable doubt, that those injuries were the result of ill-treatment inflicted by police officers, rather than of the alternative explanations advanced by the Government. In this regard, the Court nevertheless emphasises that this lack of certainty stems to a significant extent from the absence of a thorough and effective investigation by the domestic authorities capable of elucidating the relevant factual circumstances (see *Andersen*, cited above, § 73, with further references).

48. Having regard to its findings under the procedural limb of Article 3 of the Convention, the Court considers that there is insufficient evidence in the present case to enable it to conclude, beyond reasonable doubt, that the applicant was subjected to treatment contrary to Article 3 of the Convention.

49. It follows that this complaint is manifestly ill-founded within the meaning of Article 35 §§ 3 (a) and 4 of the Convention and must be rejected.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

50. The applicant claimed 50,000 euros (EUR) in respect of non-pecuniary damage. In respect of the costs and expenses incurred before the domestic courts and before the Court, he claimed 20% of any award made in respect of non-pecuniary damage.

51. As to non-pecuniary damage, the Government maintained that the amount claimed by the applicant was excessive. As to the claim for costs and expenses, they contested that those had not been actually and necessarily incurred and were not reasonable as to quantum. They further pointed out that the applicant had failed to produce any supporting documents capable of substantiating his claim.

52. The Court awards the applicant, in equity, EUR 5,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

53. As regards costs and expenses, the Court reiterates that an applicant is entitled to the reimbursement of such costs only in so far as it has been shown that they have been actually and necessarily incurred and are reasonable as to quantum. In the present case, the applicant did not submit any supporting documents. His claim should therefore be rejected.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the procedural limb of Article 3 of the Convention admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of the procedural limb of Article 3 of the Convention;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, EUR 5,000 (five thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 9 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	Peeter Roosma President