

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

THIRD SECTION

DECISION

Application no. 67349/16
Gzin GAZULLI against Greece
and 8 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 18 December 2025 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 applications lodged on the various dates indicated in the appended table,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and their representatives is set out in the appended table.

The applicants' complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Greek Government ("the Government"). In all the applications, complaints based on the same facts were also communicated under Article 13 of the Convention concerning the lack of any effective remedy in domestic law in respect of inadequate conditions of detention.

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Applications nos. 10482/17, 10557/17, 27340/17, 35775/17, 76434/17, 84136/17, 15732/22 and 41869/22

In applications nos. 10482/17, 10557/17, 27340/17, 35775/17, 76434/17, 84136/17, 15732/22 and 41869/22, having examined all the material before it and the parties' arguments, the Court considers that the complaints about the applicants' conditions of detention in various prisons 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 applications on the grounds of non-exhaustion of domestic remedies on account of the applicants' failure to lodge compensatory actions with the domestic courts based on Article 105 of the Introductory Law to the Civil Code for the conditions of their detention.

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, *Zabelos and Others v. Greece*, no. 1167/15, §§ 50 and 54, 17 May 2018, *Papadakis and Others v. Greece*, no. 34083/13, § 40, 25 February 2016; and *Chatzivasiliadis v. Greece* (dec.), no. 51618/12, §§ 29-34, 26 November 2013).

In applications nos. 10482/17, 10557/17, 27340/17, 35775/17, 76434/17, 84136/17, 15732/22 and 41869/22 the applicants were released from prison on various dates prior to lodging their application with the Court or on the date of the introduction of the applications to the Court (see appended table for the relevant information). It follows that when they lodged their applications with the Court the applicants were no longer detained under the conditions of which they complained to the Court. Hence, by lodging their applications with the Court they 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 their 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 applicants.

It follows that pursuant to Article 35 §§ 1 and 4 of the Convention applications nos. 10482/17, 10557/17, 27340/17, 35775/17, 76434/17, 84136/17, 15732/22 and 41869/22 should be rejected on the grounds of non-exhaustion of domestic remedies.

C. Application no. 67349/16

In application no. 67349/16, the applicant raised complaints under Articles 3 and 13 of the Convention concerning the inadequate conditions of detention in the Kassandra Agricultural Prison and the lack of any effective remedy in domestic law in respect of such conditions. In particular, the applicant was held from 15 July until 31 August 2016 in cell no. 4 in the prison's "closed spaces" and from 7 September 2016 until the day of his release on 11 November 2016 in a semi-liberty regime.

It is clear from the relevant legislative framework and the case files that the Kassandra Prison, as an agricultural prison, had a purpose and organisation that were very different from those of other penitentiary establishments and that prisoners were separated in the buildings according to their different statuses. In particular, the Court reiterates its findings in *Zografos and Others v. Greece* ([Committee] (dec.), no. 29744/13, §§ 111-27, 19 May 2022) as regards the conditions in the "closed spaces" in which the applicant was held during the first part of his detention in that facility.

The Court further reiterates its findings regarding the "open spaces" where prisoners were held in an open prison and the semi-liberty regime (see *Zografos and Others*, cited above, §§ 91-107). These prisoners enjoyed considerable freedom of movement when they worked during the day outside their dormitories. Prisoners in open facilities who worked under supervision were clearly distinct from those in closed prisons who were confined to cells and whose opportunities to walk in the prison yard were limited. Prisoners on work release who resided in separate houses enjoyed considerable autonomy, which determined their status, and freedom of movement over a very large area.

Having regard to all the available material and the parties' arguments, the Court notes that the applicant failed to substantiate his allegations or contest the Government's arguments that the facility was not overcrowded, and the detention conditions did not amount to inhuman or degrading treatment. Therefore, the Court finds that it 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 v. Croatia* [GC], no. 7334/13, 20 October 2016) nor can it be found that the cumulative effect of the other aspects of the detention which the applicant complained about 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).

Therefore, the Court does not find a reason to depart from its earlier findings in *Zografos and Others* (cited above, §§ 91-127) and cannot conclude that the applicant's conditions of detention were contrary to the guarantees of Article 3 of the Convention.

It follows that the applicant's complaints under Article 3 of the Convention concerning his conditions of detention in the Kassandra Agricultural Prison are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

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 the Kassandra Agricultural Prison. 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 applicant's complaint under Article 13 related to his detention in the Kassandra Prison is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

The applicant further complained under Articles 3 and 13 of the Convention about his conditions of detention and the lack of any effective remedy in domestic law in respect of such conditions in the Diavata Prison in Thessaloniki, prior to his transfer to the Kassandra Agricultural Prison. The applicant was held in the Diavata Prison from 20 November 2013 to 15 July 2016 in cell no. 19.

The Court reiterates that a period of detention should be regarded as a "continuing situation" if the detention has been effected in the same type of detention facility in substantially similar conditions. The applicant's release or transfer to a different type of detention regime, either within or outside the facility, would put an end to the "continuing situation" (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 78, 10 January 2012).

The Court notes that the Kassandra Prison is an agricultural prison, which differs from general-type penitentiary establishments such as that of Diavata. Moreover, the applicant's detention conditions in the Kassandra Prison do not raise any issues under the Convention. The applicant failed to substantiate that the conditions of detention in the Diavata Prison were essentially the same as those in the Kassandra prison and the existence of "continuing situation". His detention has not been effected in the same type of detention facility nor in the same conditions. The Court further notes that the applicant's complaints regarding Diavata Prison were lodged after his transfer to the Kassandra Agricultural Prison, which constituted a different type of prison. 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 of Article 3 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 (see *Tasios and Others v. Greece* ([Committee] (dec.), nos. 70606/17 and 6 others, §§ 29-35, 26 May 2020).

It follows that pursuant to Article 35 §§ 1 and 4 of the Convention the part of application no. 67349/16 which refers to the applicant's conditions of

detention and lack of an effective remedy in respect of such conditions in the Diavata Prison should be rejected on the ground of the non-exhaustion of domestic remedies.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 22 January 2026.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

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

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility of release Release date	Other complaints under well-established case-law
1.	67349/16 10/11/2016	**Gzin GAZULLI** 1983	Kazanas Alexandros-Timotheos Thessaloniki	Diavata Prison 15/07/2016 Kassandra Agricultural Prison 11/11/2016	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –
2.	10482/17 26/01/2017	**Konstantinos VELONIS** 1972	Lampakis Christos Thessaloniki Pipertzi Ioanna Thessaloniki	Kassandra Agricultural Prison 26/01/2017	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –
3.	10557/17 26/01/2017	**Nikolaos ILIADIS** 1967	Lampakis Christos Thessaloniki Pipertzi Ioanna Thessaloniki	Kassandra Agricultural Prison 26/01/2017	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –
4.	27340/17 03/04/2017	**Kriton SKOURAS** 1960	Lampakis Christos Thessaloniki Pipertzi Ioanna Thessaloniki	Kassandra Agricultural Prison 08/03/2017	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -
5.	35775/17 11/05/2017	**Zlatko ILIEV** 1969	Lampakis Christos Thessaloniki Pipertzi Ioanna Thessaloniki	Kassandra Agricultural Prison 07/03/2017	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility of release Release date	Other complaints under well-established case-law
6.	76434/17 30/10/2017	**Eleni PAPADOPOULOU** 1963	Lampakis Christos Thessaloniki Pipertzi Ioanna Thessaloniki	Elaionas Prison 02/06/2017	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -
7.	84136/17 15/12/2017	**Raim CHASANOGLOU** 1991	Pipertzi Ioanna Thessaloniki	Larisa Prison 27/09/2017	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –
8.	15732/22 28/02/2022	**Nikos NIKOLAOU** 1999	Tsitselikis Konstantinos Thessaloniki Spathis Antonios Thessaloniki	Korydallos Prison 25/02/2022	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -
9.	41869/22 22/02/2021	**Konstantinos DIMADIS** 1982	Tsitselikis Konstantinos Thessaloniki Spathis Antonios Thessaloniki	Korydallos Prison 15/02/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -