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

THIRD SECTION

DECISION

Application no. 33975/17
Charalambos LAMBRINOS
against Greece
(see appended table)

The European Court of Human Rights (Third Section), sitting on 21 May 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 3 May 2017,

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

The applicant was represented by Mr Ch. Lampakis, a lawyer practising in Thessaloniki.

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

THE LAW

In the present application, the applicant complained under Article 3 of the Convention of inadequate medical treatment in detention and of poor conditions of detention.

The Government objected that the applicant had failed to exhaust the remedy provided for under Article 105 of the Introductory Law to the Civil Code. As the applicant had already been released from detention on the day of submission of the application, namely 3 May 2017, such a compensatory remedy would have been effective with respect to his complaints.

The applicant alleged that he had been released late in the evening of 3 May 2017, after a long hearing at the Assize Court which lead to his acquittal. He had lodged the application earlier on the same day, when he was still in detention and had no idea of the outcome of the criminal proceedings. He concluded that the purpose of his application was to prevent a violation of Article 3, and that the remedy on which the Government had relied would not have been effective as it was solely of compensatory nature.

While examining similar complaints, the Court has consistently held that applicants are required to make use of the action provided under Article 105 of the Introductory Law to the Civil Code in case that the applicants were not in detention when they lodged an application before the Court (see *Papadakis and Others v. Greece*, no. 34083/13, §§ 47-8, 25 February 2016, and *Zabelos and Others v. Greece*, no. 1167/15, § 54, 17 May 2018, with further references).

In the present case, the applicant's detention ended the day the application was introduced, namely 3 May 2017. On the relevant post stamp, there is only a mention of the date when the application form was deposited with the post, without any reference to the exact time. Further, as transpires from its judgment no. 237/2017, the Assize Court had delivered the ruling acquitting the applicant immediately at the public hearing of 2 May 2017 in the presence of the applicant and his lawyer B.D one day before the present application was lodged. Therefore, the applicant did not substantiate his assertion that the dispatch of the application form had preceded his release, nor that he had been unaware of the outcome of the criminal proceedings when he had lodged the present application. Accordingly, the Court considers that, at the time when the applicant lodged the application, he had already been released. Therefore, he did not seek to put an end to an ongoing violation of his right not to be subjected to inhuman or degrading treatment, but to obtain a subsequent ruling on an alleged past violation of Article 3 on account of the conditions of his detention and, if appropriate, to receive just satisfaction for non-pecuniary damage. An action under Article 105 of the Introductory Law to the Civil Code therefore constituted a domestic remedy which should have been used by the applicant (see *Papadakis and Others*, §§ 47-8, and *Zabelos and Others*, §§ 54-57, both cited above).

The foregoing considerations are sufficient to conclude that there is no need to examine the remaining preliminary objections raised by the Government in connection with these complaints under Article 3 of the Convention, which are rejected for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention.

In so far as the applicant referred to Article 13 of the Convention, the Court, having regard to its conclusion concerning Article 3, finds that no separate issue arises under this provision. It finds that this complaint is manifestly ill-founded within the meaning of 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 11 June 2026.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate medical treatment in detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Principal medical condition	Shortcomings in medical treatment Dates	Prison facility Period of detention/imprisonment	Other complaints under well-established case-law
33975/17 03/05/2017	**Charalambos LAMBRINOS** 1963	Lampakis Christos Thessaloniki	HIV/AIDS	Delay in administration of medication 16/02/2016 to 03/05/2017 1 year(s) and 2 month(s) and 18 day(s)	Diavata Prison (16/02/2016-26/02/2016) Korydallos Prison Hospital (26/02/2016-24/04/2017) Thessaloniki Police Department of Prisoners' Transfers to Courts (25/04/2017-02/05/2017, transfer to attend criminal trial) Diavata Prison (03/05/2017-03/05/2017)	Art. 3 - inadequate conditions of detention - The applicant complains that in Diavata Prison, the conditions of detention were contrary to Article 3 of the Convention, notably due to severe overcrowding and overall bad conditions (insufficient hot water and heating, insufficient staffing, inadequate medical care). He further complains under Article 3 that in the Korydallos Prison Hospital he was subjected to degrading treatment due to overcrowding, inadequate physical conditions and sanitation facilities, Art. 13 - lack of any effective remedy in domestic law to complain about the violation of the applicant's rights guaranteed by Article 3 of the Convention