

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

THIRD SECTION

DECISION

Application no. 17215/21
Mohammad-Mustafa MIAH against Greece
and 49 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 2 February 2023 as a Committee composed of:

Darian Pavli*, President*,
Ioannis Ktistakis,
Andreas Zünd*, 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 declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicants' replies to these declarations,

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 some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

The Government submitted declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications.

The Government acknowledged the inadequate conditions of detention. In some of the applications, they further acknowledged that the domestic authorities had violated the applicants' rights guaranteed by other provisions of the Convention. They offered to pay the applicants the amounts detailed in

the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the cases.

The applicants informed the Court that they agreed to the terms of the declarations.

THE LAW

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

The Court finds that, following the applicants' express agreement to the terms of the declaration made by the Government, the cases should be treated as a friendly settlement between the parties.

It therefore takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify the continued examination of the applications.

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 2 March 2023.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	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	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1.	17215/21 26/03/2021	**Mohammad-Mustafa MIAH** 1994	Moisidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	5,300
2.	17217/21 26/03/2021	**Onyebuchi-Onyebuchi NNAEKPE** 1975	Moisidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	3,000
3.	17223/21 24/03/2021	**Vasilios VASILAKOS** 1981	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	4,300
4.	17225/21 24/03/2021	**Dimitrios GIANNIKIS** 1973	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	7,600
5.	17228/21 24/03/2021	**Ioakim IOAKIMIDIS** 1959	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	4,500
6.	17230/21 24/03/2021	**Efthymios KARATZOGLOU** 1980	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	5,650
7.	17231/21 24/03/2021	**Christos KARAFANTALOS** 1988	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	6,100
8.	17232/21 24/03/2021	**Georgios BOUMBOUKAS** 1978	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	12,500

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9.	17233/21 24/03/2021	**Seggin MOUSTAFA OGLOU** 1971	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	3,900
10.	17234/21 24/03/2021	**Nikolaos PALIOUDAKIS** 1971	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	4,000
11.	17237/21 24/03/2021	**Georgios CHRYSANTHAKOPOULOS** 1954	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –	02/02/2022	04/03/2022	5,850
12.	17437/21 24/03/2021	**Ali Aleiza MOHAMED** 1973	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	5,100
13.	17453/21 24/03/2021	**Francis OFFORCA** 1985	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –	02/02/2022	04/03/2022	6,100
14.	17455/21 24/03/2021	**Lamine SADIO** 1985	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	7,250
15.	17456/21 24/03/2021	**Mohammad ZAKUR** 1987	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	5,100
16.	17459/21 24/03/2021	**Konstantinos KARATHANASIS** 1962	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	4,800
17.	17460/21 24/03/2021	**Ilias KATSIKARELIS** 1960	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –	02/02/2022	04/03/2022	3,000
18.	17464/21 24/03/2021	**Georgios MAVRIANOS** 1970	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	1,500

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19.	17472/21 24/03/2021	**Ismail BAAZIZ** 1971	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	4,300
20.	17474/21 24/03/2021	**Yousif DAFEY** 1989	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention	02/02/2022	04/03/2022	6,000
21.	17475/21 24/03/2021	**Meftun GENC** 1975	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	20,000
22.	17478/21 24/03/2021	**Kacem MUNGI** 1984	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	02/02/2022	04/03/2022	4,100
23.	21257/21 19/04/2021	**Noufal KAUDEM** 1998	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	16/02/2022	09/03/2022	5,100
24.	21352/21 08/04/2021	**Imran YAKOOB** 1987	Kazanas Alexandros-Timotheos Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	16/02/2022	04/04/2022	6,300
25.	22984/21 19/04/2021	**Georgios SISMANOGLOU** 1982	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	16/02/2022	09/03/2022	5,300
26.	22988/21 19/04/2021	**Emin VELIOGLOU** 1996	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	16/02/2022	09/03/2022	5,300
27.	22993/21 20/04/2021	**Anesti BITRI** 1988	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –	16/02/2022	09/03/2022	6,900

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28.	22997/21 20/04/2021	**Dionysios KARVELAS** 1967	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	16/02/2022	09/03/2022	3,900
29.	23030/21 19/04/2021	**Leonidas MANTZANAS** 1977	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	16/02/2022	09/03/2022	2,000
30.	23035/21 19/04/2021	**Vasilios CHATZIEMMANOUIL** 1953	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	16/02/2022	09/03/2022	3,420
31.	23038/21 19/04/2021	**Zohaib ALI** 1997	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	16/02/2022	09/03/2022	7,800
32.	23066/21 19/04/2021	**Muhammad TANVEER** 1987	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	09/03/2022	23/03/2022	7,100
33.	23073/21 19/04/2021	**Ioannis PETSOS** 1976	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	09/03/2022	23/03/2022	6,600
34.	31044/21 28/04/2021	**Evaggelos HALDAIOS** 1965	Papoutsis Ermolaos Patra		24/03/2022	15/04/2022	4,500
35.	31046/21 28/04/2021	**Michail PANTELIOS** 1983	Papoutsis Ermolaos Patra		24/03/2022	15/04/2022	5,850
36.	31051/21 28/04/2021	**Ashfaq AHMED** 1998	Papoutsis Ermolaos Patra		24/03/2022	15/04/2022	2,000
37.	31052/21 28/04/2021	**Nadeem AKHTAR** 1970	Papoutsis Ermolaos Patra		24/03/2022	15/04/2022	4,000

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38.	31055/21 28/04/2021	**Spiridon KARKAMPOUNAS** 1962	Papoutsis Ermolaos Patra		24/03/2022	15/04/2022	3,300
39.	31056/21 28/04/2021	**Dimitrios LASPITAKIS** 1981	Papoutsis Ermolaos Patra		24/03/2022	15/04/2022	4,200
40.	31058/21 28/04/2021	**Ioannis MPOUKIS** 1993	Papoutsis Ermolaos Patra		24/03/2022	15/04/2022	5,300
41.	31985/21 16/06/2021	**Ali ZOHAIB** 1997	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	09/03/2022	23/03/2022	7,800
42.	33407/21 16/06/2021	**Adil CHOMBI** 1992	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	09/03/2022	23/03/2022	4,950
43.	33432/21 16/06/2021	**Klodian HOXHALLI OR OXALLI** 1990	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	04/03/2022	15/03/2022	11,500
44.	33436/21 16/06/2021	**Ibrahim SALLAL** 1992	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –	04/03/2022	15/03/2022	7,500
45.	33444/21 16/06/2021	**Anas MERI** 1992	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention –	04/03/2022	15/03/2022	4,400
46.	33448/21 16/06/2021	**Armando-Artjan LAMKAJ** 1966	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	04/03/2022	15/03/2022	7,100
47.	33451/21 16/06/2021	**Ahmad Ahmed Yamen Imad KHALAF ZAKUT AL ABOUR** 1982	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	04/03/2022	15/03/2022	8,100

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48.	33455/21 16/06/2021	**Klajdi Ymer Ilir Klaidi Alvaro Spiro TOSKA TOSCA AHMETAJ KANDA** 1984	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	04/03/2022	15/03/2022	10,000
49.	33627/21 16/06/2021	**Mohammad NBYOU** 1993	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention	04/03/2022	15/03/2022	7,900
50.	33631/21 16/06/2021	**Ibrahim TAHABES** 1998	Moysidou Xanthippi Thessaloniki	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention -	04/03/2022	15/03/2022	7,000

[1] Plus any tax that may be chargeable to the applicants.