

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

THIRD SECTION

DECISION

Applications nos. 33440/21 and 3743/22
Andrei MORARU against Greece
and Abdoularahman ALAHMAD against Greece
(see appended table)

The European Court of Human Rights (Third Section), sitting on 13 March 2025 as a Committee composed of:

Oddný Mjöll Arnardóttir*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, 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,

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 both applications, complaints based on the same facts were also communicated under Article 13 of the Convention.

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. Complaints under Articles 3 and 13 of the Convention about conditions of detention and lack of an effective remedy in that regard

In the present applications, having examined all the material before it, the Court considers that for the reasons stated below, the applications are inadmissible.

In particular, the Court notes that Article 35 § 2 (b) of the Convention provides that it should not deal with any application submitted under Article 34 that is substantially the same as a matter that has already been examined by the Court and contains no relevant new information. In verifying whether two cases are essentially the same, it takes into account the identity of the parties in both proceedings, the legal provisions on which they are based, the nature of the complaints and the compensation which they seek to obtain (see *Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland* (no. 2) [GC], no. 32772/02, § 63, ECHR 2009, and, *mutatis mutandis, Smirnova and Smirnova v. Russia* (dec.), nos. 46133/99 and 48183/99, 3 October 2002, and *Folgerø and Others v. Norway* (dec.), no. 15472/02, 14 February 2006).

In the instant cases, the Court notes that the two applicants lodged another application before it, registered under nos. 3744/22 and 33399/21, respectively, raising complaints under Articles 3 and 13 of the Convention similar to the ones raised in the context of the present applications.

Application no. 3744/22 was struck out of the Court's list of cases in accordance with Article 39 of the Convention, on the basis of a friendly settlement between the Government and the applicant (see *Sulce and Others v. Greece* [Committee] (dec.), nos. 40682/20 and 40 others, 28 September 2023).

Application no. 33399/21 was struck out of the Court's list of cases in accordance with Article 39 of the Convention, on the basis of a friendly settlement between the Government and the applicant (see *Mecollari and Others v. Greece* [Committee] (dec.), nos. 41011/20 and 107 others, 9 March 2023).

The Court must therefore determine whether, in the present case, the complaints raised by the applicants are "substantially the same" as the matters submitted to it and examined by it in applications nos. 3744/22 and 33399/21.

In the present applications the applicants submitted that they had been held in inadequate conditions of detention in Diavata prison. They complained about, *inter alia*, overcrowding, inadequate temperature, lack of privacy for toilet, lack of or poor quality of bedding and bed linen. In their previous applications, the applicants had submitted that they had been held in inadequate conditions of detention in Diavata prison, having complained about the same periods of detention as in the present applications, and having raised the same grievances both under Articles 3 and 13 of the Convention.

By comparing the applications, the Court notes that the same applicants raised the same complaints about their detention in Diavata prison during the same periods, and that they have not submitted any evidence that would constitute a new fact within the meaning of Article 35 § 2 (b) of the Convention (see, *a contrario*, *C.G. and Others v. Bulgaria* (dec.), no. 1365/07, 13 March 2007).

Accordingly, the Court finds that these applications raise substantially the same complaints within the meaning of Article 35 § 2 (b) of the Convention as the ones examined by the Court in applications nos. 3744/22 and 33399/21 lodged by the applicants. Therefore, the present applications must be rejected as inadmissible pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 3 April 2025.

Viktoriya Maradudina Acting Deputy Registrar	Oddný Mjöll Arnardóttir 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
1.	33440/21 16/06/2021	**Andrei MORARU** 1978	Moysidou Xanthippi Thessaloniki
2.	3743/22 19/12/2019	**Abdoularahman ALAHMAD** 1987	Christaki Ioanna Thessaloniki Papanastasiou Alexandra Thessaloniki