

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

THIRD SECTION

DECISION

Application no. 76024/17
Amir SALAH
against Greece
(see appended table)

The European Court of Human Rights (Third Section), sitting on 9 April 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 18 October 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 A. Kazanas, a lawyer practising in Thessaloniki.

The applicant's complaints under Articles 3 and 13 of the Convention concerning the inadequate conditions of detention and lack of an effective remedy to complain thereof were communicated to the Greek Government ("the Government").

THE LAW

Complaints under Article 3 (inadequate conditions of detention) and Article 13 of the Convention (lack of an effective remedy to complaint about detention conditions)

The applicant was detained in the Alikarnassos Prison from 19 February 2015 to 4 November 2016 when he was transferred to the Chania Prison where he was detained until his release on 20 October 2017.

In the present application, having examined all the material before it and the parties' arguments, the Court considers that the complaints under Article 3 of the Convention about the applicant's conditions of detention in the Alikarnassos and Chania Prisons are inadmissible for the reasons stated below.

1. Detention in the Chania Prison

As regards the applicant's detention in Chania Prison, the Government claimed that the applicant had had at least 4.3 sq. m of personal space, having been detained in cells measuring 13 sq. m with two detainees. The Government also described in detail the overall conditions of the applicant's detention claiming that they did not cause suffering exceeding the threshold of Article 3 of the Convention.

The applicant argued that he was detained in a cell measuring 8 sq. m, including the toilet, with another detainee. He further complained in a generic manner that the heating, the supply of hot water and sanitary conditions were inadequate.

The Court reiterates that the calculation of the available surface area in the cell should include space occupied by furniture, but not by the in-cell sanitary facilities (see *Muršić v. Croatia* [GC], no. 7334/13, § 114, 20 October 2016). It further observes that the Government did not specify whether the toilet area (3 sq. m.) was included in the cell surface of 13 sq. m. However, the Court observes that even assuming that the available living space of the cell was 10 sq. m, the applicant would have had approximately 3.3 sq. m of personal space if he had been detained with two other detainees, and 5 sq. m if he had been detained with just one detainee, as he claimed.

Having regard to all the material available and to the parties' submissions, the Court notes that the applicant did not substantiate his allegations or refute the Government's arguments that he had not been detained in overcrowded premises and that his conditions of detention did not amount to inhuman or degrading treatment. The Court therefore 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*, cited above), nor that the cumulative effect of the other aspects of his detention reached the threshold of severity required to characterise the treatment as inhuman or degrading within the

meaning of Article 3 of the Convention (see *Bokor v. Portugal* (dec.) no. 5227/18, § 34, 10 December 2020).

It follows that the applicant's complaint under Article 3 of the Convention concerning his conditions of detention in the Chania Prison is 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 further complained of the lack of an effective remedy in respect of his conditions of detention in the Chania 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 complaint under Article 13 is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

2. Detention in the Alikarnassos Prison

As regards the applicant's detention in the Alikarnassos Prison, the Government submitted that this part of the application had been lodged out of time. The applicant did not respond to these objections.

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 transfer of a detainee from one place of detention to another, in principle, interrupts the continuity of the detention with respect to its conditions, and the six-month time-limit provided for in Article 35 § 1 of the Convention, at the relevant time, begins to run from the date of the transfer to the new place of detention (see *Kanakis v. Greece (no. 2)*, no. 40146/11, § 92, 12 December 2013, *Maltabar and Maltabar* v. Russia, no. 6954/02, § 83, 29 January 2009; and *Novinskiy v. Russia* (dec.), no. 11982/02, § 96, 6 December 2007). However, if the conditions of detention in the new prison are essentially the same as those in the previous one, the Court considers that there is a continuing situation (see *Bouros and Others v. Greece*, nos. 51653/12 and 4 others, §§ 64-70, 12 March 2015).

Examining the present complaints in the light of the above principles, the six-month period referred to in Article 35 § 1 of the Convention is to be calculated separately for each detention period, starting to run again on the date that followed the applicant's transfer from the Alikarnassos Prison to the Chania Prison on 4 November 2016 where the detention conditions were substantially different as they did not raise any issue under the Convention. The Court notes that the applicant lodged his application with the Court on 18 October 2017. It follows that the complaints under Articles 3 and 13 of the Convention concerning the detention in the Alikarnassos Prison have been

introduced out of time (see *Kagia v. Greece* no. 26442/15, §§ 32-36, 30 June 2016) and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 13 May 2026.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Other complaints under well-established case-law
76024/17 18/10/2017	**Amir SALAH** 1988	Art. 13 - lack of any effective remedy in domestic law to complain about conditions of detention