

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

THIRD SECTION

DECISION

Application no. 8167/22
Kamel SULAIMAN against Greece
and 2 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 7 May 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 and the observations in reply submitted by the applicant in application no. 9681/22,

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.

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

In the instant cases the Court notes the following:

In application no. 8167/22, introduced on 28 January 2022, the applicant complained of his inadequate conditions of detention and lack of an effective remedy in that regard. However, he omitted to inform the Court of his previous application no. 33435/21, which had been communicated to the Government on 10 November 2021. In both applications he raised similar complaints about the conditions of his detention in the same prison and during the same period. Application no. 33435/21 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 by decision *Miah and Others v. Greece* ([Committee] (dec.), nos. 17215/21 and 49 others, 2 February 2023).

In application no. 9681/22, introduced on 14 February 2022, the applicant also omitted to inform the Court of his previous application no. 43946/21, which had been communicated to the Government on 3 February 2022. In both applications he raised similar complaints about the conditions of his detention in the same prison during the same period. Application no. 43946/21 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 by decision *Rasimoglou and Others v. Greece* ([Committee] (dec.), nos. 13152/20 and 50 others, 23 March 2023).

Finally, the applicant in application no. 14233/22, introduced on 11 March 2022, failed to notify the Court of his previous application no. 127/22, which had been lodged on 13 October 2021 and had been communicated to the Government on 2 June 2022. In both applications he raised similar complaints about the conditions of his detention in the same prison and for the same period. Application no. 127/22 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 by *Rasimoglou and Others v. Greece* decision, cited above.

In their observations submitted in application no. 14233/22 on 26 October 2022, the Government raised the objection of abuse of the right of individual petition to which the applicant did not reply. On 15 April 2024 the applicant, represented by the same lawyer, lodged another application with the Court in which he raised similar complaints about the conditions of his detention in the same prison and for the same period, mentioning, however, this time his previous application no. 14233/22 in the designated box of the application form. The application lodged on 15 April 2024 was merged with application no. 14233/22 and was sent to the Government for comments. The Government reiterated their previous objection in their letter of 27 September 2024. When asked to comment, the applicant never replied to the Court.

The Court reiterates that an application may be rejected as an abuse of the right of individual petition under Article 35 § 3 (a) of the Convention, for instance when such an application was knowingly based on untrue facts (see,

for a latest outline, *Mamić and Others v. Croatia* (dec.), nos. 21714/22 and 2 others, § 116, 9 July 2024). The Court has noted, however, that other situations can also be considered an abuse of the right of application under Article 35 § 3 (a) of the Convention in so far as they entail conduct on the part of an applicant which is manifestly contrary to the purpose of the right of individual application as provided for in the Convention and which impedes the proper functioning of the Court or the proper conduct of the proceedings before it (ibid., § 117). In the event where an application is knowingly based on untrue facts, the Court has noted that this type of abuse may also be committed by omission, where the applicant fails to inform the Court of a factor essential for the examination of the case or of new, important developments which occurred during the proceedings before the Court (see *Bencheref v. Sweden* (dec.), no. 9602/15, § 37, 5 December 2017). Incomplete and therefore misleading information may amount to an abuse of the right of application, especially if the information in question concerns the very core of the case and no sufficient explanation is given for the failure to disclose that information (see *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014; *S.A.S. v. France* [GC], no. 43835/11, § 67, ECHR 2014). Such omission, at the same time, constitutes the failure of the applicant to comply with his or her obligation to participate effectively in the proceedings under Rule 44C § 1 of the Rules of Court. In this regard, the Court has noted that whenever an applicant omits to divulge relevant information of his or her own motion, depending on the particular circumstances of the case, the Court may draw such inferences as it deems appropriate, including by striking the application out under either of the three sub-paragraphs of Article 37 § 1 of the Convention (see *Belošević v. Croatia* (dec.), no. 57242/13, § 48, 3 December 2019).

In view of the above, the Court considers that the applicants' conduct, in particular their failure to inform it at the time of the lodging of the present applications that the applications dealing with the same legal and factual issues had previously been brought by the applicants and had already become the subject of the examination by the Court, can be considered abusive and should have implications for the admissibility of their entire applications (see, *mutatis mutandis*, *Mamić and Others*, cited above, §§ 144-45; and, for illustrative purposes, *Satuf and Others v. Greece* ([Committee] (dec.), nos. 44291/21 and 4 others, 28 January 2025). This conclusion is not altered by the fact that one of the applicants eventually, with a significant delay and only after the Government's objection of the abuse of the right of individual application, informed the Court of the previous similar application. No explanation for the initial omission was provided.

Accordingly, the applications must be rejected as an abuse of the right of individual application, pursuant to Article 35 §§ 3 (a) and 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 28 May 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.	Applications nos. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility	Previous applications nos. Date of introduction Representative's name and location Facility
1.	8167/22 28/01/2022	**Kamel SULAIMAN** 1993	Gkindis Ilias Thessaloniki	Diavata Prison	33435/21 16/06/2021 Moysidou Xanthippi Thessaloniki Diavata Prison
2.	9681/22 14/02/2022	**Usman NOROZ** 1993	Kazanas Alexandros-Timotheos Thessaloniki	Diavata Prison	43946/21 27/08/2021 Chatziioannou Konstantinos Thessaloniki Diavata Prison
3.	14233/22 11/03/2022	**Garyfallos LIAKOPOULOS** 1979	Chatziioannou Konstantinos Thessaloniki	Diavata Prison	127/22 13/10/2021 Chatziioannou Konstantinos Thessaloniki Diavata Prison