

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

THIRD SECTION

DECISION

Application no. 27338/17
Edison TALIJA
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 3 April 2017,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

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 C. Lampakis and Ms I. Pipertzi, two lawyers 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

A. Complaints under Article 3 of the Convention (inadequate conditions of detention)

The applicant was detained in the Thessaloniki Prison (Diavata) from 15 December 2015 to 21 November 2016 when he was transferred to the Kassandra Agricultural Prison from which he was released on 22 May 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 Thessaloniki and Kassandra Prisons are inadmissible for the reasons stated below.

As regards the applicant's detention in Thessaloniki Prison, the Government claimed that the applicant had at least 4.4 sq. m of personal space, having been detained with another four inmates in cell no. 19 measuring 22 sq. m, excluding the toilet. The applicant worked as a cleaner during two three-month periods of his detention. The Government also described in detail the overall conditions of the applicant's detention claiming that they did not cause suffering exceeding the threshold under Article 3 of the Convention.

The applicant argued that the facility was overcrowded, having accommodated more detainees than set by its maximum capacity. He alleged in particular that he was detained in cell no. 19 with ten detainees, but accepted that the cell measured 22 sq. m. He therefore argued that he had had only 2.2 sq. m of personal space.

The Court, however, observes that in his application form the applicant stated that he had been detained with four other detainees and that cell no. 19 measured 10 sq. m. The applicant also claimed that ventilation, heating, hot water supply and offered activities had been inadequate.

Having regard to all the material available and to the parties' submissions, the Court notes that, even though during the period in question the overall population of the Thessaloniki prison exceeded its capacity, the applicant did not substantiate his allegations or refute the Government's arguments that the applicant had not been detained in overcrowded premises and that his conditions of detention did not amount to inhuman or degrading treatment. On the contrary, the applicant provided inconsistent accounts of the conditions of his detention.

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 v. Croatia* [GC], no. 7334/13, 20 October 2016), nor that the cumulative effect of 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 (see *Bokor v. Portugal* (dec.) no. 5227/18, § 34, 10 December 2020).

As regards the applicant's detention in the Kassandra Agricultural prison, the Court notes that the applicant was held in "open spaces" of the prison throughout his detention.

It is clear from the relevant legislative framework and the case files that the Kassandra Prison, as an agricultural prison, had a purpose and organisation that were very different from those of other penitentiary establishments. The Court reiterates its findings in *Zografos and Others v. Greece* ([Committee] (dec.), no. 29744/13, §§ 94-107, 19 May 2022) in respect of the "open spaces" where prisoners were held in an open prison and the semi-liberty regime. These prisoners enjoyed considerable freedom of movement when they worked during the day outside their dormitories. Prisoners in open facilities who worked under supervision were clearly distinct from those in closed prisons who were confined to cells and whose ability to walk in the prison yard was limited. Prisoners on work release who resided in separate houses enjoyed considerable autonomy, which determined their status, and freedom of movement over a very large area.

Having regard to all the available material and the parties' arguments, the Court notes that the applicant failed to substantiate his allegations or refute the Government's arguments that the facility was not overcrowded, and the detention conditions did not amount to inhuman or degrading treatment. Therefore, the Court does not find a reason to depart from its earlier findings in *Zografos and Others* (cited above, §§ 91-127) and cannot conclude that the applicant's conditions of detention were contrary to the guarantees of Article 3 of the Convention.

To sum up, the applicant's complaints under Article 3 of the Convention are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

B. Remaining complaints

Relying on Article 13 of the Convention, the applicant complained of the lack of an effective remedy in respect of his conditions of detention in both prisons. However, the complaints under Article 3 have 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.

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
27338/17 03/04/2017	**Edison** **TALIJA** 1989	Art. 13 - lack of any effective remedy in domestic law to complaint about conditions of detention