



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

THIRD SECTION

CASE OF AKIN AND OTHERS v. GREECE

(Application no. 82379/17)

JUDGMENT

STRASBOURG

27 August 2026

This judgment is final but it may be subject to editorial revision.

In the case of Akin and Others v. Greece,

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

Úna Ní Raifeartaigh, *President*,

Canòlic Mingorance Cairat,

Vasilka Sancin, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 18 June 2026,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Greece lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 23 November 2017.

2. The applicants were represented by Ms E.-L. Koutra, lawyer practising in Athens.

3. The Greek Government (“the Government”) were given notice of the application.

THE FACTS

4. The list of applicants and the relevant details of the application are set out in the appended table.

5. The applicants complained of the inadequate conditions of their detention in Patras Prison. They also raised other complaints under the provisions of the Convention.

THE LAW

I. STRIKING-OUT WITH RESPECT TO APPLICANTS ERGEST ALIJA, ARTUR BEZATI, MAMUKA DAVITADZE, JORGO HAXHIANI AND ARTUR HAXHIRAJI

6. By letter dated 3 October 2025, sent via the Court’s Electronic Communication Service (eComms), the applicants were requested to inform the Court of any important factual developments in their case, that may have taken place since their last correspondence with the Court. They were notified that their reply should be accompanied by a recent detention certificate or any other relevant documents. The applicants’ attention was drawn to the fact that if the requested information was not received within the indicated time-limit, the Court may conclude that the applicants no longer wished to pursue their application and decide to strike it from its list of cases. In her reply to that request sent on 23 January 2026, the representative did not provide any

information regarding applicants Ergest Alija, Artur Bezati, Mamuka Davitadze, Jorgo Haxhiani and Artur Haxhiraji (indicated under nos. 4, 9, 14, 21 and 22 in the appended table).

7. In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application with respect to the applicants Ergest Alija, Artur Bezati, Mamuka Davitadze, Jorgo Haxhiani and Artur Haxhiraji.

II. LOCUS STANDI

8. The applicant Kasem Bako (indicated under no. 6 in the appended table) died on 8 July 2019. On 23 January 2026 the applicant's representative, acting as the legal representative of the applicant's wife, Ms Miranda Bako, and the applicant's sons, Mr Mateo Bako and Mr Rei Bako, confirmed their intention to pursue the present application. She submitted a copy of the applicant's death certificate and an Albanian family certificate dated April 2026 (*certificate familjare*) confirming the above. She also submitted a letter signed by Ms Miranda Bako to the effect that she wished to pursue the application.

9. Applicant Athanasios Floros (indicated under no. 16 in the appended table) died on 14 April 2025. On 23 January 2026 the applicant's representative, acting as the legal representative of this applicant's children, Ms Dimitra Florou, Mr Konstantinos Floros and Mr Christos Vasileios Floros, confirmed their intention to pursue the present application. She submitted a copy of the applicant's death certificate and a certificate of closest relatives confirming the above. She also submitted letters signed by the applicant's heirs to the effect that the latter wished to pursue the application.

10. The Government submitted that the above-mentioned persons did not have standing to pursue the application notably as they had not substantiated their status as the legal heirs of the applicants concerned, and as the rights in question were not transferable in nature.

11. The Court reiterates that the transferable nature or not of the right arising from Article 3 cannot be decisive because the moral dimension of the case is sufficient to give rise to a legitimate interest in ensuring that justice is done (see *Tsokas and Others v. Greece*, no. [41513/12](#), §§ 73-74, 28 May 2014). Accordingly, the Court finds that the heirs mentioned in the appended table have standing to pursue the application on behalf of their late relatives, Mr Kasem Bako and Mr Athanasios Floros.

III. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION ON ACCOUNT OF THE CONDITIONS OF DETENTION

12. The applicants, indicated under nos. 1-3, 5-8, 10-13, 15-20 and 23-24 in the appended table, complained under Article 3 of the Convention of the inadequate conditions of their detention. Some of these applicants who had been detained on remand also complained under the same Convention provision that they had been kept with convicted prisoners.

A. Admissibility

13. The Government objected that the applicant Festini Gjoka (indicated under no. 19 in the appended table) had been released before the application had been lodged with the Court and should, therefore, have exhausted the remedy under Article 105 of the introductory Law to the Civil Code. The Court notes that this applicant had already been released when he had lodged the application. Therefore, he did not seek to put an end to an ongoing violation of his right not to be subjected to inhuman or degrading treatment, but to obtain a subsequent ruling on an alleged past violation of Article 3 on account of the conditions of his detention. Accordingly, an action under Article 105 of the Introductory Law to the Civil Code constituted a domestic remedy which should have been used by that applicant (see *Papadakis and Others v. Greece*, no. 34083/13, §§ 47-8, 25 February 2016, and *Zabelos and Others v. Greece*, no. 1167/15, § 54, 17 May 2018, with further references). It follows that the complaint about poor conditions of detention lodged by the applicant Festini Gjoka (indicated under no. 19 in the appended table) should be rejected for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention.

14. As regards the remaining applicants indicated under nos. 1-3, 5-8, 10-13, 15-18, 20, and 23-24 in the annex, the Court notes that the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention nor inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

15. The details of the remaining applicants' detention are indicated in the appended table.

16. The Court refers to the principles established in its case-law regarding inadequate conditions of detention (see, for instance, *Muršić v. Croatia* [GC], no. 7334/13, §§ 96-101, ECHR 2016). It reiterates in particular that a serious lack of space in a prison cell weighs heavily as a factor to be taken into account for the purpose of establishing whether the detention conditions described are "degrading" from the point of view of Article 3 and may

disclose a violation, both alone or taken together with other shortcomings (see *Muršić*, cited above, §§ 122-41, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 149-59, 10 January 2012).

17. The Court has already found a violation of Article 3 of the Convention in respect of the conditions of detention in the Patras prison (see *Papakonstantinou v. Greece*, no. 50765/11, §§ 56-61, 13 November 2014, and, for example, *Georgiou and Others v. Greece*, no. 6813/12, §§ 56-63, 15 March 2018), including during periods when the applicants in the present case were kept in it (see *Pekov and Andreeva v. Greece* [Committee], no. 36658/17, §§ 6, 42 and 58, 6 September 2018).

18. The Court also refers to its standard of proof and methods for assessment of evidence in conditions-of-detention cases (see *Muršić*, cited above, §§ 127-28).

19. The applicants argued that they had been detained in overcrowded conditions, having been afforded less than 3 sq. m.

20. In the present case, the applicants were detained in dormitories in wings A, B and C. Relying on a certificate by the Patras Prison administration prepared for the proceedings before the Court, the Government stressed that those dormitories measured 28.6 sq. m. They did not submit any primary evidence in support, such as floor plans, building documentation, etc. Accordingly, the Government failed to discharge the burden of proof, and the Court accepts the applicants' argument that the dormitories had a surface area of 22.5 sq. m, which is also corroborated by a report of the European Committee for the Prevention of Torture following its visit in 2009 (CPT/Inf (2010) 33, and see also *Georgiou and Others*, cited above, § 58).

21. The Government further argued that the dormitories in question housed between five and eight detainees. The Court notes that during the periods when the dormitories hosted eight detainees, the personal space available to each inmate was 2.81 sq. m. The Government did not specify, however, the exact periods during which the dormitories had accommodated eight inmates, nor did they indicate the number of the applicants' co-detainees. The Court therefore has no reason by to conclude that throughout the applicants' detention in the dormitories, they disposed 2.81 sq. m of personal space.

22. Some applicants were also detained in cells for a part of their detention. The Government submitted that those cells measured 8.6 sq. m and had lodged two detainees, or three in exceptional circumstances and only for short periods of time. They thus acknowledged that in some cases, when three detainees had been kept in the cells, the personal space per inmate was less than 3 sq. m. They did not specify, however, the exact duration of the periods during which the cells had housed three inmates, nor provided specific information about the number of the applicants' co-detainees at different periods. Accordingly, their argument that the periods in question were short

is unsubstantiated. It follows that, when detained in the cells, the applicants disposed 2.87 sq. m of personal space for unspecified periods of time.

23. The Court has already found that the Patras Prison had been overcrowded between 2015 and 2017 (see, for example, *Pekov and Andreeva*, cited above, §§ 6, 42 and 58). Further, the relevant statistical data from the Ministry of Justice demonstrate persisting overcrowding in that prison between 2017 and 2022. In view of the above and having regard to its caselaw on the subject, the Court finds it established that the conditions of detention of the applicants (indicated under nos. 1-3, 5-8, 10-13, 15-18, 20, and 23-24 in the appended table) were inadequate. Accordingly, there has been a violation of Article 3 of the Convention.

24. The aforementioned renders it unnecessary for the Court to consider separately the rest of the applicants' complaints regarding the conditions of their detention under Article 3, including the allegations of remand and convicted prisoners together (see, for example, *Igbo and Others v. Greece*, no. 60042/13, § 46, 9 February 2017).

IV. OTHER ALLEGED VIOLATIONS

25. The applicants complained under Article 13 of the Convention that they had no effective domestic remedy to raise their complaints about poor detention conditions. Having regard to the facts of the case, the submissions of the parties and its findings above, the Court considers that it has already examined the main legal question raised in the present application and that there is no need to give a separate ruling on the complaint under Article 13 of the Convention (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

26. Finally, applicants under nos. 2, 5, 6, 8, 12 and 13 in the appended table also complained under Article 3 of the Convention that they had not received adequate medical care in the Patras Prison. The Court has examined these complaints and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto. It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

27. Regard being had to the documents in its possession and to its case-law (see, in particular, *Muršić*, cited above, § 181), the Court considers it reasonable to award the sums indicated in the appended table for non-pecuniary damage to the applicants indicated under nos. 1-3, 5-8, 10-13,

15–18, 20, and 23-24 in the appended table, plus any tax that may be chargeable.

28. The Court also considers it reasonable to award these applicants the amount of 1,000 euros (EUR) jointly for costs and expenses incurred in the proceedings before it, plus any tax that may be chargeable to them.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to strike out the application in the part lodged by the applicants Ergest Alija, Artur Bezati, Mamuka Davitadze, Jorgo Haxhiani and Artur Haxhiraji (indicated under nos. 4, 9, 14, 21 and 22 in the appended table);
2. *Declares* the complaints under Article 3 of the Convention about the conditions of detention with respect to the applicants indicated under nos. 1-3, 5-8, 10-13, 15-18, 20 and 23-24 in the appended table, admissible, *finds* that it is not necessary to examine separately the complaint under Article 13 of the Convention and *declares* the remainder of the application inadmissible;
3. *Holds* that there has been a violation of Article 3 of the Convention in view of the detention of the applicants, indicated under nos. 1-3, 5-8, 10-13, 15-18, 20, and 23-24 in the appended table, in overcrowded conditions in the Patras Prison;
4. *Holds* that there is no need to examine the remaining complaints about the conditions of detention raised under Article 3 of the Convention by some applicants, including the complaints about their detention together with convicted prisoners;
5. *Holds*
 - (a) that the respondent State is to pay the applicants indicated under nos. 1-3, 5-8, 10-13, 15-18, 20 and 23-24 within three months:
 - (i) the amounts indicated in the appended table in respect of non-pecuniary damage, plus any tax that may be chargeable to them on those amounts;
 - (ii) 1 000 EUR (one thousand euros) jointly, plus any tax that may be chargeable to these applicants, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

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Done in English, and notified in writing on 27 August 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Úna Ní Raifeartaigh
President

APPENDIX

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

Application no. Date of introduction	Representative's name and location	Applicant's name Year of birth	Facility Start and end date Duration	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
82379/17 23/11/2017 (24 applicants)	Koutra Electra-Leda Athens	1. Hasan AKIN 1963	Patras prison 18/01/2016-12/07/2021 5 years and 5 months and 25 days Detained in dormitories	overcrowding, no or restricted access to warm water, inadequate temperature,	9,400
		2. Dimitrios ALBERTIS 1970	Patras prison 17/01/2016-20/07/2018 2 years and 6 months and 4 days Detained in dormitories	mouldy or dirty cell, poor quality of potable water, lack of or inadequate hygienic	7,400
		3. Ioannis ALEXANDROPOULOS 1963	Patras prison 09/12/2013-10/12/2018 5 years and 2 days Detained in dormitories	facilities, poor quality of food, lack of fresh air,	9,400
		4. Ergest ALIJA 1990	Patras prison 25/04/2014-18/12/2017 3 years and 7 months and 24 days	infestation of cell with insects/rodents	—

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

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Application no. Date of introduction	Representative's name and location	Applicant's name Year of birth	Facility Start and end date Duration	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
		5. Dimitrios ANTONIOU 1953 6. Kasem BAKO 1961 Died in 2025 <u>Heirs:</u> Miranda BAKO – born in 1969, Mateo BAKO – born in 1998, Rei BAKO – born in 1995) 7. Aristotel BAMI 1980 8. Klement BEQIRI 1982 9. Artur BEZATI 1971	Detained in dormitories Patras prison 04/07/2017-16/05/2018 10 months and 13 days Detained in dormitories Patras prison 14/06/2017-07/09/2019 2 years and 2 months and 25 days Detained in dormitories Patras prison 14/12/2016-19/03/2018 1 year and 3 months and 6 days Detained in dormitories Patras prison 14/04/2017-18/04/2018 1 year and 5 days Detained in dormitories Patras prison		3,600 6,700 4,600 4,000 –

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Application no. Date of introduction	Representative's name and location	Applicant's name Year of birth	Facility Start and end date Duration	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
		10. Aslan BRATA 1969	14/10/2014-18/07/2021 6 years and 9 months and 5 days Detained in dormitories Patras prison 08/02/2014-26/10/2022 8 years and 8 months and 19 days Detained in dormitories		9,400
		11. Blerim CAKERRI 1980	Patras prison 23/11/2014-27/12/2017 3 years and 1 month and 5 days Detained in dormitories		8,700
		12. Petros CHATZIS 1970	Patras prison 27/06/2013-06/11/2017 4 years and 4 months and 11 days Detained in dormitories		9,400
		13. Faruk CİZMELİ 1950	Patras prison 02/01/2014-02/08/2019 5 years and 6 months and 1 day Detained in dormitories and cells		9,400

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Application no. Date of introduction	Representative's name and location	Applicant's name Year of birth	Facility Start and end date Duration	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
		14. Mamuka DAVITADZE 1974	Patras prison 18/01/2013-10/09/2017 4 years and 7 months and 24 days Detained in dormitories		–
		15. Shehu DRITAN 1977	Patras prison 14/10/2015-19/04/2018 2 years and 6 months and 6 days Detained in dormitories and cells		7,400
		16. Athanasios FLOROS 1977 Died in 2025 Heirs: Dimitra FLOROU – born in 1997, Konstantinos FLOROS – born in 1999, Christos Vasilios FLOROS – born in 2001	Patras prison 23/04/2019-11/09/2022 3 years and 4 months and 20 days Detained in dormitories		9,300
		17. Vasilios GAVRILOS 1954	Patras prison 03/07/2018-18/12/2018 5 months and 16 days Detained in dormitories		2,200
		18. Viron GEROLYMATOS 1996	Patras prison 06/04/2017-28/09/2018 1 year and 5 months and 23 days Detained in dormitories		5,000

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Application no. Date of introduction	Representative's name and location	Applicant's name Year of birth	Facility Start and end date Duration	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
		19. Festini GJOKA 1983	Patras prison 28/06/2017-28/08/2017 2 months and 1 day Detained in dormitories		–
		20. Leonida GKOURMA 1984	Patras prison 01/09/2013-23/12/2019 6 years and 3 months and 23 days Detained in dormitories		9,400
		21. Jorgo HAXHIANI 1989	Patras prison 17/08/2016-11/09/2017 1 year and 0 months and 26 days Detained in dormitories and cells		–
		22. Artur HAXHIRAJI 1962	Patras prison 08/11/2010-13/03/2020 9 years and 4 months and 6 days Detained in dormitories		–
		23. Xhevair HYSKA 1982	Patras prison 13/12/2013-19/12/2019 6 years and 7 days Detained in dormitories		9,400

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Application no. Date of introduction	Representative's name and location	Applicant's name Year of birth	Facility Start and end date Duration	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
		24. Artan ISMAILAJ 1971	Patras prison 11/02/2014-20/10/2021 7 years and 8 months and 10 days Detained in dormitories		9,400