



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

THIRD SECTION

CASE OF KOUKOURAS AND OTHERS v. GREECE

(Application no. 7936/18)

JUDGMENT

STRASBOURG

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

In the case of Koukouras 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 3 September 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 2 February 2018.

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 Korydallos prison. They also raised other complaints under the provisions of the Convention.

THE LAW

I. STRIKE OUT OF APPLICATION IN THE PART REGARDING THE APPLICANT, THEODOROS KALFAKAKOS

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 may 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 the applicant, Theodoros Kalfakakos (indicated under no. 2 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 applicant Theodoros Kalfakakos (indicated under no. 2 in the appended table).

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

8. The applicants indicated under nos. 1 and 3 in the appended table complained principally of the inadequate conditions of their detention. They relied on Article 3 of the Convention.

9. 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).

10. 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).

11. The Court has already found a violation of Article 3 of the Convention in respect of the conditions of detention in Korydallos prison (see *Singh and Others v. Greece*, no. 60041/13, §§ 52-58, 19 January 2017, and, for illustrative purposes, *Cela and Others v. Greece* [Committee], no. 10244/14, §§ 45-50, 20 April 2017).

12. The applicants argued that they had been detained in overcrowded conditions, having been afforded less than 3 sq. m of personal space each. They alleged that they had been held in cells of 9.5 sq. m with only 6.5 sq. m of inhabitable surface, as the sanitary facilities occupied 3 sq. m, with each cell accommodating three to four detainees.

13. The Government submitted that these cells measured 9.5 sq. m with 8.5 sq. m of inhabitable space and one sq. m for sanitary facilities. They submitted that, in general, each cell held one to two detainees. At the same time, they also indicated that the applicants listed under nos. 1 and 3 in the appended table were detained in cells holding three and four persons in total, respectively.

14. It therefore follows from the Government's submissions that these applicants disposed of less than 3 sq. m of personal space throughout their detention, even assuming that the cells where they had been detained had 8.5 sq. m of living space (the maximum as per the Government's submissions).

15. The Court further notes that the Government acknowledged that Korydallos Prison had been overcrowded during certain periods between 2014 and 2020, which was corroborated by the reports of the European Committee for the Prevention of Torture following its visits in 2015 (CPT/Inf (2016) 4) and 2019 (CPT/Inf (2020) 15). In addition, according to the statistical data of the Ministry of Justice, there was persistent overcrowding in that facility in 2017, 2019 and 2020, without any data being provided for 2018.

16. In view of the above and having regard to its case-law on the subject, the Court finds it established that the detention conditions of the applicants, indicated under nos. 1 and 3 in the appended table, were inadequate. Accordingly, their complaints are admissible, and they disclose a violation of Article 3 of the Convention.

III. REMAINING COMPLAINTS

17. The applicants complained under Article 13 of the Convention that they had no effective remedy to complain about poor conditions of their detention. The Court considers that the main legal question raised in the present application has been resolved. It concludes, therefore, that there is no need to examine this part of the application (see *Centre for Legal Resources* on behalf of *Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014, and, for illustrative purposes, *Fraggopoulos v. Greece* [Committee], no. 550/17, §§ 21-22, 23 January 2025).

18. Finally, the applicant indicated under no. 1 in the appended table raised a complaint under Article 5 § 1 of the Convention about the very fact of his detention. The Court has examined the complaint 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, this complaint either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto. It follows that this complaint must be rejected in accordance with Article 35 § 4 of the Convention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

19. Regard being had to the documents in its possession and to its case-law (see, in particular, *Muršić*, cited above), 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 and 3 in the appended table, plus any tax that may be chargeable.

20. 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 applicant Theodoros Kalfakakos (indicated under no. 2 in the appended table);
2. *Declares* the complaints concerning the inadequate conditions of detention with respect to the applicants indicated under nos. 1 and 3 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 and 3 in the appended table in overcrowded conditions in the Korydallos Prison;
4. *Holds*
 - (a) that the respondent State is to pay the applicants indicated under nos. 1 and 3 in the appended table, 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.

KOUKOURAS AND OTHERS v. GREECE JUDGMENT

Done in English, and notified in writing on 24 September 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	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
7936/18 02/02/2018 (3 applicants)	Koutra Electra-Leda Athens	1. Stavros KOUKOURAS 1975	Korydallos prison 30/05/2016-09/03/2022 5 years and 9 months and 10 days	12,500
		2. Theodoros KALFAKAKOS 1977	Korydallos prison 15/09/2015-02/05/2017 1 year and 7 months and 18 days	-----
		3. Fabian RRYCKA 1978	Korydallos prison 06/09/2016-27/08/2018 1 year and 11 months and 22 days	8,100

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