



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

THIRD SECTION

CASE OF BELTEK AND OTHERS v. GREECE

(Application no. 48272/17)

JUDGMENT

STRASBOURG

8 October 2026

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

In the case of Beltek 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 17 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 4 July 2017.

2. The applicants were represented by Ms E.-L. Koutra, a 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 the Korydallos Prison. They also raised other complaints under the provisions of the Convention.

THE LAW

I. STRIKE OUT WITH RESPECT TO THE APPLICANTS CHRISTOS SOUROVELIS, MICHAEL DAMIANIDIS, VITALII DRIBNXTISIA, LURII KLIUIEV, IOANNIS-LORENS KYRKOS, GENNADY NIKITIN, VITALI NOVAK, YURII NOVAK, JEVGEN ORLENKO, AND VITALI RODIONOV

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 applicants Christos Sourovelis, Michael Damianidis, Vitalii Dribnxtisia, Lurii Kliuiev, Ioannis-Lorens Kyrkos, Gennady Nikitin, Vitali Novak, Yurii Novak, Jevgen Orlenko, and Vitali Rodionov (indicated under nos. 2, 7, 9, 12, 14, 20-23, and 29 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 Christos Sourovelis, Michael Damianidis, Vitalii Dribnxtisia, Lurii Kliuiev, Ioannis-Lorens Kyrkos, Gennady Nikitin, Vitali Novak, Yurii Novak, Jevgen Orlenko, and Vitali Rodionov (indicated under nos. 2, 7, 9, 12, 14, 20-23, and 29 in the appended table).

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

8. The applicants indicated under nos. 1, 3-6, 8, 10-11, 13, 15-19, 24-28 and 30-33 in the appended table complained principally of the inadequate conditions of their detention. They relied on Article 3 of the Convention.

A. Admissibility

9. The Government submitted that by the time when they had lodged their application with the Court on 4 July 2017, the applicants Serjei Buolakh, Ioannis Lenteris, Georgios Peponas, Stanislav-Konstantinos Poupakis and Dimitrios Zafiropoulos (indicated under nos. 4, 15, 26, 27 and 32 in the appended table) had already been transferred to different prisons and had been detained in conditions substantially different from those in the Korydallos Prison. In particular, they noted that Serjei Buolakh had been transferred to the Larissa Prison, Ioannis Lenteris to the Malandrino Prison, Georgios Peponas to the Korydallos Prison Hospital, Stanislav-Konstantinos Poupakis to the Amfissa Prison, and Dimitrios Zafiropoulos to the Trikala Prison. Accordingly, the Government argued that the application should be rejected as far as the above-mentioned applicants are concerned, due to their failure to make use of the action under Article 105 of the Introductory Law to the Civil Code.

10. The Court notes that the applicants indicated under nos. 4, 15, 26, 27 and 32 in the appended table alleged that the conditions of detention in the prisons to which they had been transferred had been similar to those in the Korydallos Prison. However, they provided no specific information to that effect, their claim thus being unsubstantiated. There is therefore no indication

that their subsequent detention should be treated by the Court as the “continuing situation” to the period of their detention under consideration. Accordingly, the Court considers that when the above-mentioned applicants lodged their application, they did not seek to put an end to an ongoing violation of their right not to be subjected to inhuman or degrading treatment, but attempted to obtain a subsequent ruling on an alleged past violation of Article 3 on account of the conditions of their detention. Therefore, an action under Article 105 of the Introductory Law to the Civil Code constituted a domestic remedy which should have been used by these applicants (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 applicants indicated under nos. 4, 15, 26, 27 and 32 in the appended table should be rejected for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention.

11. As regards the remaining applicants indicated under nos. 1, 3, 5-6, 8, 10-11, 13, 16-19, 24-25, 28, 30-31 and 33 in the appended table, the Court notes that their 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

12. The details of the applicants’ detention are indicated in the appended table.

13. 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).

14. 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).

15. The Court has already found a violation of Article 3 of the Convention in respect of the conditions of detention in the 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).

16. 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.

17. The Government submitted that the cells where the applicants had been detained measured 9.5 sq. m with 8.5 sq. m of inhabitable space and one sq. m for the sanitary facilities. They affirmed that, in general, each cell held one to two detainees, without however providing any evidence to that effect. They further submitted that the applicants indicated under nos. 1, 3, 5-6, 8, 10, 13, 16, 19, 24, 28, 31 and 33 in the appended table had been each detained in cells holding four persons in total; the applicant indicated under no. 18 in the appended table had been kept in a cell with three inmates for certain periods of time, without however providing any information as to the exact length of these periods; and the applicant indicated under no. 25 in the appended table had stayed in a cell holding one or two persons in total. The Government did not submit specific information as regards the total number of detainees held in the cells where the applicants indicated under nos. 11, 17 and 30 in the appended table had been detained.

18. In view of the above, the Court finds that the applicants indicated under nos. 1, 3, 5-6, 8, 10, 13, 16, 19, 24, 28, 31 and 33 disposed of less than 3 sq. m of personal space, 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). It further finds that the applicant indicated under no. 18 in the appended table was kept in similar conditions, disposing less than 3 sq. m of personal space, for unspecified periods of time.

19. Turning to the applicants listed under nos. 11, 17, 25 and 30 in the appended table, the Court notes that the European Committee for the Prevention of Torture following its visit in March and April 2019 (CPT/Inf (2020) 15) found that the Korydallos Prison was operating at severe overcrowding exceeding 140% of its capacity, once again calling upon the Greek authorities to take urgent steps to progressively reduce the overcrowding, notably in terms of reducing the occupancy levels from the current three or more prisoners per 9.5 sq. m cell to no more than two per cell. During its previous visit from 14 to 23 April 2015 (CPT/Inf (2016) 4), the CPT had reiterated its findings from its 2013 visit, that the cells of 9.5 sq. m designated for single person occupancy were routinely used for three to four inmates, recommending reducing occupancy levels at the Korydallos Men's Prison. The Court also notes that the Government acknowledged in their observations that the Korydallos Prison's capacity was 1,270 inmates, while the occupancy rate varied between 2,209 prisoners in 2014 and 1,172 in 2020. Lastly, according to the statistical data of the Ministry of Justice, there was persistent overcrowding in that facility in 2017, 2019 and 2020. Accordingly, the Court cannot accept the Government's assertion that the cells, in which the applicants, listed under nos. 11, 17, 25 and 30 in the table, were detained, only held one or two detainees and finds convincing the applicants'

submissions that each cell was occupied by three to four persons. It follows that, even assuming that the cells of the applicants indicated under nos. 11, 17, 25 and 30 in the appended table had 8.5 sq. m of inhabitable space (the maximum as per the Government's submissions), the personal space available to them was below 3 sq. m.

20. In view of the above and having regard to its case-law on the subject, the Court finds it established that the conditions of the applicants' detention (indicated under nos. 1, 3, 5-6, 8, 10-11, 13, 16-19, 24-25, 28, 30-31 and 33 in the appended table) were inadequate. Accordingly, there has been a violation of Article 3 of the Convention.

21. 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 being detained together (see, for example, *Igbo and Others v. Greece*, no. 60042/13, § 46, 9 February 2017).

III. REMAINING COMPLAINTS

22. The applicants indicated under nos. 1, 3, 5-6, 8, 10-11, 13, 16-19, 24-25, 28, 30-31 and 33 in the appended table complained under Article 13 of the Convention that they had had no effective remedy at their disposal in connection to their complaint under Article 3 of the Convention.

23. Taking into account the facts of the case and the finding of a violation of Article 3 on account of the general conditions of detention in the Korydallos Prison, 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).

24. Lastly, certain applicants complained under Article 5 § 1 of the Convention of the very fact of their detention, and the applicants indicated under nos. 4, 15, 26, 27 and 32 in the appended table complained under Article 13 about the lack of an effective remedy in respect of their complaints under Article 3 of the Convention.

25. 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 either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

26. It follows that these complaints must be rejected in accordance with Article 35 § 4 of the Convention.

IV. 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), the Court considers it reasonable to award the sums indicated in the appended table for non-pecuniary damage to the applicants listed under nos. 1, 3, 5-6, 8, 10-11, 13, 16-19, 24-25, 28, 30-31 and 33, plus any tax that may be chargeable.

28. The Court also considers it reasonable to award the above-mentioned 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. The Court dismisses the remainder of these applicants' claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to strike out the application in the part lodged by the applicants Christos Sourovelis, Michael Damianidis, Vitalii Dribnxtisia, Lurii Kliuiev, Ioannis-Lorens Kyrkos, Gennady Nikitin, Vitali Novak, Yurii Novak, Jevgen Orlenko, and Vitali Rodionov (indicated under nos. 2, 7, 9, 12, 14, 20, 21, 22, 23, and 29 in the appended table);
2. *Declares* the complaints concerning the inadequate conditions of detention with respect to the applicants indicated under nos. 1, 3, 5-6, 8, 10-11, 13, 16-19, 24-25, 28, 30-31 and 33 in the appended table admissible, *finds* that it is not necessary to examine separately their 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, 5-6, 8, 10-11, 13, 16-19, 24-25, 28, 30-31 and 33 in the appended table in the overcrowded conditions in the Korydallos 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 the same applicants, including the complaints about their detention together with convicted prisoners;
5. *Holds*
 - (a) that the respondent State is to pay the applicants listed under nos. 1, 3, 5-6, 8, 10-11, 13, 16-19, 24-25, 28, 30-31 and 33 in the annex, 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) EUR 1,000 (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.

6. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 8 October 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 Sq. m per inmate	Amount awarded for non- pecuniary damage per applicant (in euros) ¹
48272/17 04/07/2017 (33 applicants)	Koutra Electra-Leda Athens	1. Olexandr BELTEK 1982	Korydallos prison 10/10/2016-12/09/2017 11 months and 3 days	3,800
		2. Christos SOUROVELIS 1989	Korydallos prison 29/11/2016-28/02/2017 3 months and 1 day	----
		3. Valerii BEREZKIN 1969	Korydallos prison 14/03/2017-21/05/2018 1 year and 2 months and 8 days	4,400
		4. Serjei BUOLAKH 1979	Korydallos prison 23/05/2017-14/06/2017 23 days	----
		5. Anatoli CHERKASKYI 1982	Korydallos prison 26/08/2015-27/07/2018 2 years and 11 months and 2 days	8,400
		6. Gennady CHERKASOV 1962	Korydallos prison 30/11/2015-29/08/2017 1 year and 9 months and 30 days	5,500

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 Sq. m per inmate	Amount awarded for non- pecuniary damage per applicant (in euros) 1
		7. Michael DAMIANIDIS 1988	Korydallos prison 24/02/2017-19/09/2018 1 year and 6 months and 27 days	----
		8. Vladyslav DIDENKO 1964	Korydallos prison 14/12/2016-12/03/2018 1 year and 2 months and 27 days	4,400
		9. Vitalii DRIBNXTISIA 1983	Korydallos prison 14/12/2016-12/03/2018 1 year and 2 months and 27 days	----
		10. Volodymyr GALUSHKO 1981	Korydallos prison 22/05/2017-20/12/2017 6 months and 29 days	2,400
		11. Koba GORGIAHVILI 1981	Korydallos prison 09/05/2017-23/07/2017 2 months and 15 days	1,300
		12. Lurii KLIUIEV 1985	Korydallos prison 26/09/2016-20/09/2017 11 months and 26 days	----
		13. Iurii KRASYUK 1981	Korydallos prison 14/03/2017-09/08/2018 1 year and 4 months and 27 days	4,800
		14. Ioannis - Lorens KYRKOS 1983	Korydallos prison 04/05/2017-28/06/2017 1 month and 25 days	----

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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 Sq. m per inmate	Amount awarded for non- pecuniary damage per applicant (in euros) 1
		15. Ioannis LENTERIS 1986	Korydallos prison 17/02/2017-02/07/2017 4 months and 16 days	----
		16. Zohr MAKARENKO 1976	Korydallos prison 18/11/2016-05/02/2018 1 year and 2 months and 19 days	4,400
		17. Dimitrios MAKRIS 1978	Korydallos prison 18/04/2017-05/07/2017 2 months and 18 days	1,300
		18. Sefer MOUMINOLOU 1991	Korydallos prison 24/05/2016-18/10/2017 1 year and 4 months and 25 days	4,800
		19. Sergii NEVECHERIA 1956	Korydallos prison 02/06/2017-11/12/2017 6 months and 10 days	2,400
		20. Gennady NIKITIN 1964	Korydallos prison 22/05/2017-27/12/2017 7 months and 6 days	----
		21. Vitali NOVAK 1994	Korydallos prison 31/05/2017-08/03/2018 9 months and 9 days	----
		22. Yurii NOVAK 1970	Korydallos prison 07/10/2015-12/09/2019 3 years and 11 months and 6 days	----

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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 Sq. m per inmate	Amount awarded for non- pecuniary damage per applicant (in euros) 1
		23. Jevgen ORLENKO 1982	Korydallos prison 26/09/2016-18/10/2018 2 years and 23 days	----
		24. Oleksandr PANIN 1988	Korydallos prison 31/05/2017-07/08/2018 1 year and 2 months and 8 days	4,400
		25. Georgios PELIVANIDIS 1992	Korydallos prison 20/04/2016-16/03/2020 3 years and 10 months and 26 days	9,400
		26. Georgios PEPONAS 1979	Korydallos prison 13/07/2016-13/07/2016 1 day	----
		27. Stanislav-Konstantinos POUPAKIS 1974	Korydallos prison 05/05/2017-28/06/2017 1 month and 24 days	----
		28. Olexandr REZNIKOV 1983	Korydallos prison 09/12/2016-07/08/2018 1 year and 7 months and 30 days	5,300
		29. Vitali RODIONOV 1972	Korydallos prison 29/06/2016-12/03/2018 1 year and 8 months and 12 days	----
		30. Charalambos TSOPELAS 1978	Korydallos prison 12/06/2017-19/06/2018 1 year and 8 days	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 Sq. m per inmate	Amount awarded for non- pecuniary damage per applicant (in euros) 1
		31. Andrii VASYLENKO 1994	Korydallos prison 12/07/2016-05/02/2018 1 year and 6 months and 25 days	5,200
		32. Dimitrios ZAFIROPOULOS 1977	Korydallos prison 11/05/2016-28/06/2017 1 year and 1 month and 18 days	----
		33. Olexadr ZHMUROV 1967	Korydallos prison 26/08/2015-25/07/2018 2 years and 11 months	8,200