



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

THIRD SECTION

CASE OF LOWBOKORAE AND OTHERS v. GREECE

(Application no. 7845/18)

JUDGMENT

STRASBOURG

8 October 2026

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

In the case of Lowbokorae 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 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 details and information relevant to the application are set out in the appended table.

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

THE LAW

I. STRIKING OUT OF THE COMPLAINTS LODGED BY APPLICANTS A. SERDENIS, Y. YOUSUF AND D. ZNZIVADZE

6. By a letter sent through the Court’s Electronic Communication Service (eComms) on 3 October 2025, the applicants were asked to inform the Court about further developments in their case. Following the representative’s extension request, on 19 December 2025 she was asked to confirm that she was still in contact with the applicants. Her attention was drawn to the fact that if the requested information was not received within the above time-limit, the Court may conclude that the applicants no longer wished to pursue the application and may decide to strike it from its list of cases. On 23 January 2026 the applicants’ representative notified the Registry of the death of the applicants A. Serdenis and Y. Yousuf. As regards the applicant A. Serdenis, she did not specify the date of his death and confirmed that no

heirs or close family members of the applicant had expressed an interest to pursue the application. As regards the applicant Y. Yousuf, she submitted his death certificate, whereby it is confirmed that the applicant died in the Korydallos Prison Hospital on 8 June 2020. Nevertheless, she did not confirm whether there were heirs or close family members of the applicant who had expressed an interest to pursue the application. Finally, as regards the applicant D. Znzivadze, she did not submit any updated information or any proof that she was still in contact with him.

7. It has been the Court's practice to strike applications out of the list of cases under Article 37 § 1 of the Convention in the absence of any heir or close relative who has expressed the wish to pursue an application (see *Léger v. France* (striking out) [GC], no. 19324/02, § 44, 30 March 2009, with further references). Turning to the circumstances of the present case, the Court notes that the applicants A. Serdenis and Y. Yousuf (indicated under nos. 2 and 4 in the appended table), died in the course of the proceedings. No heirs or close relatives have expressed the wish to pursue the application on their behalf. As the Court finds no special circumstances regarding respect for human rights which require the continued examination of these applicants' complaints, it considers it appropriate to strike the application out of its list of cases under Article 37 § 1 (c) of the Convention with respect to these two applicants.

8. Furthermore, 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 in the part lodged by the applicant D. Znzivadze (indicated under no. 5 in the appended table). Accordingly, the application should be struck out of the Court's list of cases also with respect to this applicant.

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

9. The applicants, N. Lowbokorae and A. Papadakis (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.

A. Admissibility

10. The Government stated that the applicant A. Papadakis (indicated under no. 3 in the appended table) had already been released from prison when the application was lodged with the Court. Therefore, they contended that that applicant should have exhausted the remedy under Article 105 of the introductory Law to the Civil Code. Indeed, the Court takes note of the

applicant's certificate of release from the Korydallos Prison Hospital, submitted by the applicant's representative, whereby it follows that the applicant was released from prison on 13 November 2017, that is prior to the introduction of the present application. Therefore, when he lodged his application with the Court, this applicant 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 A. Papadakis (indicated under no. 3 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 applicant, N. Lowbokorae, indicated under no. 1 in the appended table, the Court notes that his 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 remaining applicant's 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 with respect to the Korydallos Prison Hospital (see *Zabelos and Others v. Greece*, no. 1167/15, §§ 77-86, 17 May 2018 and *Martzaklis and Others v. Greece*, no. 20378/13, §§ 67-75, 9 July 2015) on account of the combined effect of its overpopulation and the institution's overall conditions of detention.

16. Turning to the present case, the applicant alleged that he had had less than 4 sq. m of personal space. He gave a detailed description of the general detention conditions, including poor hygiene, lack of privacy and adequate time for bathing and toilet, poor quality of bed linen, and reduced yard time.

17. The Government submitted that the applicant had been held in a cell of 29.45 sq. m with four detainees from 22 June to 22 July 2017 (affording a personal space of 5.89 sq. m) and in a cell of 29.45 sq. m with six detainees from 22 July 2017 to 15 February 2019 (affording a personal space of 4.2 sq. m). However, their submissions were not supported by any records showing the prison population on a dormitory-by-dormitory basis or any official documents substantiating the adequacy of the applicant's overall conditions of detention. A few official documents adduced by the Government to demonstrate the detainees' diet, yard time and opportunity to participate in educational and recreational activities are not sufficient proof of the adequacy of the conditions of detention in the Korydallos Prison Hospital.

18. The Court observes that although Resolution CM/ResDH(2019)237 on the execution of judgments of the Court pertaining to the conditions of detention in the Korydallos Prison Hospital mentions improvements of the relevant conditions of detention, including an evident drop in the number of prisoners held and below-capacity operation (214 inmates out of a capacity of 253), this improvement relates to the period from mid-June 2019 onward, when the applicant had already been released from that facility. In addition, the report appears to contradict the figures presented by the Government, which mentioned that the number of detainees in the Korydallos Prison Hospital was "on average about 180 in 2016, 178 in 2017, 174 in 2018 and 120-170 in 2019".

19. The abovementioned considerations are corroborated by the published report dated 9 April 2020 (CPT/Inf (2020) 15) of the European Committee for the Prevention of Torture ("the CPT"), following its visit to Greece from 28 March to 9 April 2019, shortly after the applicant's release, which provides a reliable basis for the Court's assessment (see *Kehayov v. Bulgaria*, no. 41035/98, § 66, 18 January 2005). The report emphasised the persistence of poor living conditions in the Korydallos Prison Hospital and made specific reference to the low temperatures prevailing in the institution, the inadequate toilet and shower facilities, the poor condition of mattresses and bed linen, including their infestation by bed bugs, and the overcrowding of the institution.

20. In these circumstances, the Government's submissions do not refute the applicant's allegations regarding his inadequate conditions of detention in the Korydallos Prison Hospital.

21. In view of the above and having regard to its case-law on the subject, the Court finds it established that in the instant case the detention conditions of the applicant (indicated in the appended table under no. 1) were inadequate.

22. Accordingly, there has been a violation of Article 3 of the Convention.

III. REMAINING COMPLAINTS

23. The applicant, N. Lowbokorae (indicated under no. 1 in the appended table), further complained under Article 13 of the Convention that he did not have at his disposal an effective remedy with respect to his Article 3 complaints.

24. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has examined the main legal question raised in the present application and that there is no need to give a separate ruling 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).

25. Finally, the applicants, N. Lowbokorae and A. Papadakis (indicated under nos. 1 and 3 in the appended table), raised other complaints under various Convention provisions about the very fact of their detention, as well as about discriminatory treatment and the quality of the medical care in the Korydallos Prison Hospital. In addition, the applicant A. Papadakis, also complained that he did not have at his disposal an effective remedy with respect to his Article 3 complaints.

26. The Court has examined the 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.

27. 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

28. 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 7,100 euros (EUR) to the applicant listed under no. 1 in the appended table, in respect of the non-pecuniary damage, plus any tax that may be chargeable.

29. The Court also considers it reasonable to award the same applicant the amount of EUR 1,000 for costs and expenses incurred in the proceedings before it, plus any tax that may be chargeable to him, and dismisses his remaining claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to strike the application out of its list of cases in the part lodged by the applicants, A. Serdenis, Y. Yousuf and D. Znzivadze, listed under nos. 2, 4 and 5 in the appended table;
2. *Declares* the complaints of the applicant, N. Lowbokorae, listed under no. 1 in the appended table, raised under Article 3 of the Convention concerning the conditions of his detention in the Korydallos Prison Hospital admissible, *finds* that it is not necessary to examine separately his complaint under Article 13 of the Convention and *dismisses* the remainder of the application as inadmissible;
3. *Holds* that there has been a violation of Article 3 of the Convention in view of the detention of the applicant, N. Lowbokorae, listed under no. 1 in the appended table, in inadequate conditions in the Korydallos Prison Hospital;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, N. Lowbokorae, listed under no. 1 in the appended table, within three months:
 - (i) EUR 7,100 (seven thousand and one hundred euros) in respect of non-pecuniary damage, plus any tax that may be chargeable;
 - (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to him, 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.
5. *Dismisses* the remainder of the first applicant's claims 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

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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	Facility Start and end date Duration	Specific grievances
7845/18 02/02/2018	1. Nesto LOWBOKORAE 1968	Korydallos Prison Hospital 22/06/2017 to 15/02/2019 1 year(s) and 7 month(s) and 25 day(s) Dormitory 3, 2 nd floor from 22/06/2017 to 22/07/2017; and Dormitory 5, 2 nd floor from 22/07/2017 to 15/02/2019	overcrowding, no or restricted access to warm water, inadequate temperature, poor quality of potable water, lack of or inadequate hygienic facilities, poor quality of food, lack of fresh air, infestation of cell with insects/rodents, lack of or poor quality of bedding and bed linen, lack of or restricted access to leisure or educational activities
	2. Apostolos SERDENIS 1979	Korydallos Prison Hospital 10/09/2013 - 29/10/2014; 02/08/2016 to 29/09/2016; 05/09/2017 to 26/10/2017; 10/11/2017 to 25/01/2018; 09/02/2018 to 20/02/2018; 20/04/2018 to 18/06/2018; 08/05/2019 to 10/07/2019 Dormitory 1, 2 nd floor from 05/09/2017 to 25/01/2018; Dormitory 3, 2 nd floor from 09/02/2018 to 18/06/2018; and Dormitory 5, 2 nd floor from 08/05/2019 to 10/07/2019 Larisa Prison 25/01/2018 to 09/02/2018 Disciplinary cell (cell no.4)	

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Application no. Date of introduction	Applicant's name Year of birth	Facility Start and end date Duration	Specific grievances
	3. Aggelos PAPADAKIS 1970	Korydallos Prison Hospital 25/02/2016 to 13/11/2017 Dormitory 5, 2 nd floor from 25/02/2016 to 10/03/2016; Cell no.1, ground floor from 10/03/2016 to 19/09/2017; Cell no.1, ground floor of the Annex of the Korydallos Prison Hospital from 19/09/2017 to 13/11/2017	
	4. Yousuf YOUSUF 1984	Korydallos Prison Hospital 10/06/2013 to 15/10/2018; 04/12/2019 to 27/05/2020 Dormitory 5, 2 nd floor from 21/09/2015 to 30/11/2015; and Dormitory 1, 2 nd floor from 30/11/2015 to 15/10/2018	
	5. Daniel ZNZIVADZE 1983	Korydallos Prison Hospital 12/05/2017 to 23/07/2018 Dormitory 2, 2 nd floor from 12/05/2017 to 20/04/2018; and Dormitory 9, 1 st floor from 20/04/2018 to 23/07/2018	