



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

THIRD SECTION

CASE OF ANTONIOU v. GREECE

(Application no. 55579/19)

JUDGMENT

STRASBOURG

8 October 2026

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

In the case of Antoniou 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 18 October 2019.

2. The applicant was represented by Ms E.-L. Koutra, a lawyer practising in Athens.

3. Notice of the application was given to the Greek Government (“the Government”).

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The applicant alleged that he did not receive adequate medical care in detention. He also raised other complaints under the provisions of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION IN RESPECT OF THE APPLICANT’S MEDICAL TREATMENT

6. The applicant complained principally that he was not afforded adequate medical treatment in detention at the Korydallos Prison and the Korydallos Prison Health Centre (also known as “Korydallos Prison Hospital”). He relied on Article 3 of the Convention.

7. The applicant, in particular, argued that he had not been provided with the proper insulin treatment scheme to his diabetes nor with a diet appropriate to his condition as a diabetic, while the required medical examinations and treatment in detention had not been properly conducted. He alleged that the inadequacies in his treatment resulted in life-threatening complications and an overall deterioration of his condition. He further argued that he had been given psychiatric medication that he did not need.

8. The Government claimed that the applicant had received insulin therapy and that during his detention he had been hospitalised mainly in the Korydallos Prison Health Centre. Whenever necessary, he had been transferred to local hospitals for treatment and examination, including once when he had needed compulsory hospitalisation. They also argued that the applicant had not been cooperative as a patient and that, in general, the applicant had been provided with appropriate medical care. Both the Government and the applicant submitted multitude of mainly handwritten medical documents issued by the applicant's treating doctors.

9. The Court notes that the applicant suffered from type 1 diabetes and bipolar disorder, which affected his everyday functioning. Therefore, he could have experienced considerable anxiety as to whether the medical care provided to him was adequate.

10. The Court reiterates that the "adequacy" of medical assistance remains the most difficult element to determine and the mere fact that a detainee is seen by a doctor and prescribed a certain form of treatment cannot automatically lead to the conclusion that the medical assistance was adequate (see *Blokhin v. Russia* [GC], no. 47152/06, § 137, ECHR 2016). It has clarified in this context that the authorities must ensure that a comprehensive record is kept concerning the detainee's state of health and his or her treatment while in detention (see *Khudobin v. Russia*, no. 59696/00, § 83, ECHR 2006-XII (extracts)), that diagnosis and care are prompt and accurate (see, for example, *Gorbulya v. Russia*, no. 31535/09, § 62, 6 March 2014, with further references, and *Pokhlebin v. Ukraine*, no. 35581/06, § 62, 20 May 2010, with further references) and that – where necessitated by the nature of a medical condition – supervision is regular and systematic and involves a comprehensive therapeutic strategy aimed at successfully treating the detainee's health problems or preventing their aggravation, rather than addressing them on a symptomatic basis (see, *inter alia*, *Kolesnikov v. Russia*, no. 44694/13, § 70, 22 March 2016, with further references; and *Ukhan v. Ukraine*, no. 30628/02, § 74, 18 December 2008, with further references). The Court stresses that medical treatment within prison facilities must be appropriate and comparable to the quality of treatment which the State authorities have committed themselves to providing for the entirety of the population. Nevertheless, this does not mean that each detainee must be guaranteed the same level of medical treatment that is available in the best health establishments outside prison facilities (see, for instance, *Konovalchuk v. Ukraine*, no. 31928/15, § 52, 13 October 2016, with further references; and *Sadretdinov v. Russia*, no. 17564/06, § 67, 24 May 2016, with further references).

11. The Court further reiterates that allegations of ill-treatment must be supported by appropriate evidence. In assessing evidence, the Court has adopted the standard of proof "beyond reasonable doubt" (see *Blokhin*, cited above, § 139). According to the Court's case-law under Articles 2 and 3 of

the Convention, where the events in issue lie wholly, or in large part, within the exclusive knowledge of the authorities, as in the case of persons under their control in custody, strong presumptions of fact will arise in respect of injuries, damage and death occurring during that detention. The burden of proof in such a case may be regarded as resting on the authorities to provide a satisfactory and convincing explanation (see *Çakıcı v. Turkey* [GC], no. 23657/94, § 85, ECHR 1999-IV; *Salman v. Turkey* [GC], no. 21986/93, § 100, ECHR 2000-VII; and *Amirov v. Russia*, no. 51857/13, § 92, 27 November 2014). In the absence of such an explanation the Court can draw inferences that may be unfavourable for the respondent Government (see, for instance, *Orhan v. Turkey*, no. 25656/94, § 274, 18 June 2002, and *Buntov v. Russia*, no. 27026/10, § 161, 5 June 2012).

12. Having examined all the material submitted to it, the Court has identified the shortcomings in the applicant's medical treatment, which are listed in the appended table. In particular, in respect of his diabetes treatment during his detention and hospitalisation principally at the Korydallos Prison Health Centre, the Court notes that the vast majority of the submitted medical documents were handwritten unclear notes of the treating doctors. As indicated by the European Committee for the Prevention of Torture ("the CPT"), in its published report dated 9 April 2020 (CPT/Inf (2020) 15) following its visit to Greece from 28 March to 9 April 2019, which provides a reliable basis for the Court's assessment (see *Kehayov v. Bulgaria*, no. 41035/98, § 66, 18 January 2005), in the Korydallos Prison Health Centre there was not a single comprehensive medical record kept for each prisoner, the patients did not have an individual care plan, while the system of medicine dispensing and administration was fundamentally unsafe. These findings corroborate the applicant's relevant allegations in respect of the inadequacy of his medical treatment. The Court further observes that, although the applicant suffered from a chronic disease, he had to be referred to local hospitals multiple times – once due to his life being in danger as attested by a medical certificate dated 7 March 2019 – in just a few months (see appended table), supporting the argument in favour of the symptomatic and non-comprehensive nature of his medical care, while the latter was also not prompt and accurate. In that regard, the Court further considers that in at least one medical certificate, dated 15 March 2019, – in which the handwritten notes were sufficiently legible – it was mentioned that the medication necessary for the applicant was unavailable in the Korydallos Prison Health Centre. Finally, the Court notes that the applicant's allegations that, in practice, he was unable to receive the treatment and the diet required for his condition are further supported by the findings of the above-mentioned CPT report regarding understaffing and the living conditions at the Korydallos Prison Health Centre.

13. The Court has already found a violation in respect of issues similar to those in the present case (see *Blokhin*, cited above, §§ 135-40, *Mekras*

v. Greece, no. 12863/14, §§ 45-51, 9 June 2016 and *Lavrentiadis v. Greece*, no. 29896/13, §§ 71-79, 22 September 2015). The Court considers that in the instant case the applicant did not receive comprehensive and adequate medical care in detention in respect of his type 1 diabetes.

14. This complaint is therefore admissible and discloses a breach of Article 3 of the Convention.

15. In respect of the applicant's complaints regarding the administration of unnecessary psychiatric medication, 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 does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention.

16. It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION IN RESPECT OF THE APPLICANT'S CONDITIONS OF DETENTION

17. The applicant further complained under Article 3 of the Convention that he had been detained in inhuman and degrading conditions of severe overcrowding, in mouldy cells infested with insects and, more generally, deplorable living conditions in the Korydallos Prison Health Centre and the Korydallos Prison from 27 February to 12 November 2019. In particular, he alleged that, in the Health Centre he was detained with between six and twelve other detainees in a 21.55 sq. m dormitory, and during certain periods, in even smaller dormitories. For only a few weeks, he had been accommodated in an approximately 40 sq. m dormitory with between twelve and fifteen other detainees. In the Korydallos Prison, he claimed that he had mostly been detained in 8.5 sq. m cells with three or four detainees, leaving him with less than 3 sq. m of personal space.

18. The Government maintained that the applicant had been detained in the Korydallos Prison Health Centre from 9 March to 13 April 2019 in a 21.55 sq. m dormitory with four other detainees; from 14 April to 16 July 2019 in a 58.6 sq. m dormitory with six detainees; and from 17 July to 11 September 2019 in a 58.60 sq. m dormitory with seven other detainees. They submitted that the Health Centre accommodated between 85 and 95 detainees in total. They further maintained that the applicant had been detained in the Korydallos Prison only for short, unspecified periods and, subsequently, from 12 September to 12 November 2019, had been moved between various wings and cells. They did not, however, provide the Court with specific information concerning the applicant's individual living space or the number of detainees with whom he had shared each cell. The Government also described in detail the general conditions of the applicant's detention in both the Korydallos Prison Health Centre and the Korydallos Prison, arguing that those conditions had not subjected him to suffering

exceeding the threshold of severity required to engage Article 3 of the Convention.

19. 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, §§ 96-141, 20 October 2016).

20. In respect of the applicant's detention in the Korydallos Prison Health Centre and having regard to all the material available, the Court is unable to verify the accuracy of the parties' submissions and the exact space available to the applicant. As a result, it cannot establish whether the applicant had sufficient personal space at the Health Centre during his detention. However, the Court has already examined the conditions of detention in the Korydallos Prison Health Centre in previous cases and found a violation of Article 3 of the Convention, despite not being able to establish the applicants' individual personal space (see, for instance, *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). The Court further notes that the CPT visited the facility during the applicant's detention there and found that it was seriously overcrowded, accommodating 142 residents despite its design capacity for 80 patients, and that the living conditions were poor, further commenting on the appalling state of repair of sanitary facilities and the limited period of availability of hot water. The Court reiterates that the CPT report provides a reliable basis for the Court's assessment (see *Kehayov*, cited above, § 66).

21. In these circumstances, and in the absence of any convincing evidence to the contrary, the Court finds that the conditions of the applicant's detention in the Korydallos Prison Health Centre went beyond the unavoidable level of hardship inherent in detention and reached the threshold of severity required by Article 3 of the Convention. Therefore, the Court concludes that his complaint is admissible and there has been a violation of Article 3 of the Convention.

22. In respect of the applicant's detention in the Korydallos Prison, the Court observes that the Government failed to provide any specific information in respect of the applicant's detention, merely commenting on its short duration. However, the Court is not persuaded by the Government's argument, considering that for a period of two months (from 12 September to 12 November 2019) the applicant was detained in the Korydallos Prison. This period, in addition to the intervals prior to it, cannot be considered as short or negligible (see *Muršić*, cited above, §§ 149-53). The Court has already examined the conditions of detention in the Korydallos Prison in previous cases and found a violation of Article 3 of the Convention (see, for instance, *Singh and Others v. Greece*, no. 60041/13, 19 January 2017; and *Cela and Others v. Greece* [Committee], no. 10244/14, 20 April 2017). Although the present case does not concern the same period as the aforementioned cases, the Court further takes note of the CPT's findings in the abovementioned

report commenting on the fact that the Korydallos Prison was overcrowded, functioning at 140% of its capacity.

23. In view of the above, the Government failed to rebut the applicant's arguments, and the Court therefore concludes that the applicant's detention conditions in the Korydallos Prison were inadequate in view of the severe overcrowding. It follows that this complaint is admissible and there has been a violation of Article 3 of the Convention on that account.

III. ALLEGED VIOLATION OF ARTICLE 5 § 4 OF THE CONVENTION

24. The applicant complained under Article 5 § 4 of the Convention that the length of proceedings regarding his request for a change of a preventive measure was incompatible with the requirement of a "speedy review". He submitted, in particular, that on 13 March 2019 he had lodged a request under Article 291 §§ 1 and 2 of the Code of Criminal Procedure, as in force at the material time, with a prosecutor of the Piraeus Court of Appeal asking to replace his pre-trial detention with another preventive measures on account of his poor health. His request had been dismissed on 19 April 2019 by decision (βούλευμα) no. 62/2019 of the Piraeus Criminal Court of Appeal (Συμβούλιο Εφετών) as ill-founded. The applicant argued that his case was not complex, and that he had lodged the request without counsel, while the prosecutor had not solicited the applicant's medical record from the prison in order to examine it.

25. The Government maintained that the length of the proceedings in question was not unreasonable.

26. The Court reiterates that the question of whether the right to a speedy decision has been respected must be determined in the light of the circumstances of each case, including the complexity of the proceedings, their conduct by the domestic authorities and by the applicant, and what was at stake for the latter (see *Ilseher v. Germany* [GC], nos. 10211/12 and 27505/14, § 252, 4 December 2018, with further references). In principle, however, since the liberty of the individual is at stake, the State must ensure that the proceedings are conducted as quickly as possible (see *Khlaifia and Others v. Italy* [GC], no. 16483/12, § 131, 15 December 2016).

27. The Court observes that the applicant's request was lodged on 13 March 2019 and was dismissed on 19 April 2019, that is thirty-six days later. It further observes that the applicant's request was a simple one, having been lodged without counsel and without the procurement of any medical documents either by the applicant or by the prosecutor for examination. In the light of the above, the Court finds that the contested duration was incompatible with the "speedily" requirement of Article 5 § 4 of the Convention, taking into account the findings of the Court in similar cases (see, for instance, *Pouliou v. Greece*, no. 39726/10, §§ 34-40, 8 March 2018; and *Tsitsiriggos v. Greece*, no. 29747/09, §§ 61-66, 17 January 2012).

28. This complaint is therefore admissible and discloses a breach of Article 5 § 4 of the Convention.

IV. REMAINING COMPLAINTS

29. The applicant 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.

30. 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 questions raised in the present application and that there is no need to give a separate ruling on Article 13 of the Convention (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

31. Regard being had to the documents in its possession and to its case-law (see, in particular, *Blokhin*, cited above, § 225), the Court considers it reasonable to award the applicant 16,250 euros (EUR) in respect of non-pecuniary damage, plus any tax that may be chargeable.

32. As regards costs and expenses, the Court notes that the applicant's claim was not accompanied by any supporting documents. It therefore dismisses the applicant's claim for costs and expenses (see *Merabishvili v. Georgia* [GC], no. 72508/13, §§ 370-73, 28 November 2017, and *Altay v. Turkey* (no. 2), no. 11236/09, §§ 87-89, 9 April 2019).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Article 3 of the Convention concerning the inadequate medical care in detention for the applicant's diabetes, the poor conditions of his detention and the lack of "speedy" review of the detention matter, under Article 5 § 4 of the Convention, as set out in the appended table, admissible and the remaining complaints under Article 3 of the Convention inadmissible and *finds* that there is no need to examine separately the complaint under Article 13 of the Convention;
2. *Holds* that there has been a violation of Article 3 of the Convention on account of the inadequate medical care in detention in relation to the applicant's diabetes;
3. *Holds* that there has been a violation of Article 3 of the Convention on account of the poor conditions of the applicant's detention;

4. *Holds* that there has been a violation of Article 5 § 4 of the Convention;
5. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, EUR 16,250 (sixteen thousand two hundred and fifty euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount 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 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

ANTONIOU v. GREECE JUDGMENT

APPENDIX

Application raising complaints under Article 3 and Article 5 § 4 of the Convention
(inadequate medical treatment in detention, poor conditions of detention and lack of speedy review of the detention matters)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Principal medical condition	Shortcomings in medical treatment Dates	Prison facility Period of detention
55579/19 18/10/2019	Antonios ANTONIOU 1984	Koutra Electra-Leda Athens	diabetes	lacking/delayed drug therapy, lacking diet, inadequate treatment plan 27/02/2019 to 12/11/2019 8 month(s) and 17 day(s)	Korydallos Prison and Korydallos Prison Health Centre 27/02/2019 to 12/11/2019 8 month(s) and 17 day(s)