



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

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THIRD SECTION

Application no. 2652/22
Ioannis THEODOROLEAS against Greece
and 5 other applications
(see list appended)
communicated on 10 September 2026

SUBJECT MATTER OF THE CASE

The applications concern the dismissal of the applicants' claims for compensation against the Greek State for damage allegedly caused by errors of judicial bodies. These dismissals followed a departure by the Supreme Administrative Court ('SAC') from its previous case-law in judgment no. 800/2021, with the result that such claims were no longer eligible for judicial review for an indefinite period, pending the adoption of specific legislation.

The circumstances of each case are summarised in the appended table.

In all cases, the domestic courts in the relevant decisions (see the appended table) found that Article 4 § 5 of the Constitution, which enshrines the principle of equality in respect of public charges, imposed on the legislature the obligation to determine the procedure and the terms of the compensation for damage caused by judicial bodies. As long as there had been no legislative determination of the terms of compensation for damage caused by judicial bodies, of the extend of the claims for compensation and of the competent courts, the damage at issue could not be compensated for, either by the application by analogy of Article 105 of the Introductory Law of the Civil Code or by direct application of Article 4 § 5 of the Constitution.

Invoking Article 6 § 1 of the Convention, the applicants mainly allege that they were deprived of their right of access to a court or that the sudden and direct reversal of the SAC's case-law deprived them of access to a court as regards claims for compensation for errors of the judiciary which were declared inadmissible until the enactment of specific legislation regulating

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such liability. The applicant in application no. 2652/22 further complains that the restriction on the right of access to a court was not proportionate to the aim of ensuring legal certainty and the proper administration of justice. The applicant in application no. 1034/26 also argues that no legislative framework has been adopted for more than 11 years depriving them of access to a court for an indefinite period and creating legal uncertainty.

Under Article 5 § 5 of the Convention, the applicants in applications nos. 2652/22 and 2665/25 complain that they were unable to claim compensation for their allegedly unlawful deprivation of liberty. In application no. 2665/25, the applicant also complains under Article 5 § 1 (c) of an allegedly unlawful arrest and detention by the police officers following unlawful and inadmissible criminal complaints lodged against him.

Under Article 1 of Protocol No. 1, the applicants in applications nos. 2652/22, 12977/23 and 4644/26 complain that they were deprived of the possibility to claim compensation for damage allegedly caused by acts or errors attributable to judicial authorities.

QUESTION TO THE PARTIES

Did the applicants have effective access to a court, in accordance with Article 6 § 1 of the Convention, on account of the dismissal of their claims against the Greek State for damage allegedly caused by errors of judicial bodies which followed a departure by the Supreme Administrative Court from its previous case-law, with the result that such claims were no longer eligible for judicial review for an indefinite period, pending the adoption of specific legislation (see *Zouboulidis v. Greece (no. 3)*, no. 57246/21, §§ 75-84, 4 June 2024)?

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APPENDIX

No.	Application no.	Case name	Lodged on	Applicant Year of Birth/ Establishment Place of Residence Nationality	Represented by	Domestic court's judgment
1.	2652/22	Theodoroleas v. Greece	23/12/2021	Ioannis THEODOROLEAS 1967 Athens Greek	Vassilios GOUZANIS	The applicant intervened in pilot proceedings that led to judgment no. 803/2021 (24 June 2021) of the SAC, delivered on an appeal on points of law following an action brought by another claimant concerning the allegedly unlawful prosecutor's order for detention and compulsory examination in a psychiatric hospital. The applicant had also brought an action in 2016 claiming compensation for the prosecutor's actions relating to his psychiatric examination for involuntary hospitalisation. The action was dismissed by judgment no. 14780/2023 of the Athens Administrative Court of First Instance, delivered on 5 October 2023, referring to judgment no. 803/2021 of the SAC which was binding for the applicant as intervener.
2.	12977/23	MARANT HELLAS DIAFIMISIS DIMOSIES SHESIS EKDOSIS MARKETING v. Greece	21/03/2023	MARANT HELLAS DIAFIMISIS DIMOSIES SHESIS EKDOSIS MARKETING 1980 Athens Greek	Lia ATHANASIOU	The applicant company brought an action seeking EUR 1,768,039 owed to it by a sports company, claiming that the latter's liquidation had been unlawful. It argued that the liquidation had been based on a judicial decision which had relied on a ministerial decision which had been found by the SAC to be unlawful. By judgment no. 905/2022, which was finalised on 25 November 2022, the SAC dismissed the applicant company's appeal on points of law.
3.	33015/23	Nyfadopoulos and Balis v. Greece	23/08/2023	Ioannis NYFADOPOULOS 1994 Athens Greek Konstantinos- Odysseas BALIS 1993 Athens Greek	Konstantinos FARMAKIDIS- MARKOU	The applicants brought an action seeking compensation for bodily harm inflicted by police officers and for errors on the part of the judicial authorities in that they have intentionally failed to investigate the identity of the direct perpetrators of the offences. By judgment no. 5277/2023, served on 24 April 2023, the Athens Administrative Court of First Instance dismissed the applicants' action in so far as it concerned the State's liability for judicial errors.

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No.	Application no.	Case name	Lodged on	Applicant Year of Birth/ Establishment Place of Residence Nationality	Represented by	Domestic court's judgment
4.	2665/25	Moschonas v. Greece	12/01/2025	Titos MOSCHONAS 1965 Iraklio Kritis Greek	Ioannis IOANNIDIS	The applicant brought an action seeking compensation for unlawful acts and omissions by prosecutors and police officers acting in the context of a criminal preliminary investigation, in their capacity as judicial authorities. He alleged that he had been repeatedly arrested eight times, his home had been searched etc. following inadmissible and unsubstantiated criminal complaints. By judgment no. 288/2024 of the Chania Administrative Court of Appeal, served on 12 September 2024, the action was declared inadmissible and it was found that the administrative court of first instance had lacked jurisdiction to adjudicate the case.
5.	1034/26	Zygouris v. Greece	31/12/2025	Nikolaos ZYGOURIS 1986 Mykonos Greek	Konstantinos CHRYSOOGONOS	The applicant brought an action seeking compensation for allegedly unlawful acts and omissions of officers of the coast guard in the context of a preliminary criminal investigation which led to the initiation of criminal and disciplinary proceedings against him. By judgment no. 2469/2025, served on 4 September 2025, the Piraeus Administrative Court of First Instance dismissed the action in so far as it concerned the State's liability for the conduct of those authorities acting in their capacity as judicial authorities.
6.	4644/26	Karagianni and Karagiannis v. Greece	28/01/2026	Olga KARAGIANNI 1967 Amarousio Attikis Greek Petros KARAGIANNIS 1975 Korinthia Greek	Ioannis KYRIAZIS	The applicants brought an action seeking compensation for allegedly unlawful acts and omissions of the judges of the SAC, arguing that, in awarding reduced compensation for their brother's death, they failed to comply with a binding Court of Cassation judgment finding the mayor negligent in their brother's fatal crash into metal road barriers. By judgment no. 349/2025 of the Korinthos Administrative Court of First Instance, served on 20 November 2025, the action was declared inadmissible.