



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

THIRD SECTION

CASE OF LEVANTIS AND OTHERS v. GREECE

(Application no. 510/18)

JUDGMENT

STRASBOURG

22 October 2026

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

In the case of *Levantis 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 1 October 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 21 December 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 Korydallos Prison. They also raised other complaints under the provisions of the Convention.

THE LAW

I. LOCUS STANDI

6. The applicant Georgios Zizinis (indicated under no. 11 in the appended table) died on 23 December 2023. On 23 January 2026 the applicant’s representative, also acting as the legal representative of the applicant’s wife Ms Elena Zizina, confirmed the intention of the latter to pursue the present application. She submitted a copy of the applicant’s death certificate and a certificate of the closest relative.

7. The Government submitted that Ms Elena Zizina did not have standing, notably as she had not substantiated her status as the legal heir of the deceased, and as the rights in question were not transferable in nature.

8. The Court reiterates that the transferable nature or not of the right arising from Article 3 cannot be decisive because the moral dimension of the case is sufficient to give rise to a legitimate interest in ensuring that justice is

done (see *Tsokas and Others v. Greece*, no. 41513/12, §§ 73-74, 28 May 2014). The Court notes that in various cases, where applicants have died in the course of the proceedings, it has taken into account the wishes of their heirs or close members of their families to pursue the proceedings before the Court (see, for example, *X. v. France*, Series A no. 234-C, p. 89, § 26, and *Jama v. Slovenia*, no. 48163/08, § 28, 19 July 2012). It sees no reason to reach a different conclusion in the present case and, therefore, accepts that the applicant's wife, Ms Elena Zizina, has standing to pursue the application on behalf of late Mr Georgios Zizinis. However, reference will still be made to the applicant throughout the present judgment.

II. STRIKING-OUT WITH RESPECT TO APPLICANTS KALLARITIS, MARIDIS-MAREDIS AND ONAGHISE

9. 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 applicants Vasilios Kallaritis, Georgios Maridis-Maredis, and Wilson Onaghise (indicated under nos. 2, 4 and 5 in the appended table).

10. 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 Vasilios Kallaritis, Georgios Maridis-Maredis, and Wilson Onaghise (indicated under nos. 2, 4 and 5 in the appended table).

III. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

11. The applicants indicated under nos. 1, 3 and 6-11 in the appended table complained principally of the inadequate conditions of their detention. They relied on Article 3 of the Convention.

A. Admissibility

12. The Government submitted that at the time when they lodged their application with the Court, the applicant Polychronis Atmatzidis (indicated under no. 3 in the appended table) had already been transferred to Malandrino Prison where the detention conditions were considerably different from those in the Korydallos Prison, and the applicant Constantinos Sevozlidis (indicated under no. 9 in the appended table) had been released. Therefore, these applicants should have exhausted the remedy under Article 105 of the introductory Law to the Civil Code.

13. The Court notes that according to the parties' submissions and the evidence included in the casefile, the applicant P. Atmatzidis was transferred to a different detention facility on 23 July 2017, and the applicant C. Sevozlidis was released on 8 September 2017, that is prior to lodging their application with the Court on 27 December 2017. It follows that when they lodged their application with the Court, these applicants were no longer detained in the conditions of which they complained. Furthermore, the applicant P. Atmatzidis did not raise any complaints concerning the conditions in the subsequent detention facility. In that regard, this applicant failed to substantiate that the conditions in the detention facility to which he had been transferred were essentially the same as those in the Korydallos Prison. There is therefore no indication that his subsequent detention should be treated by the Court as the "continuing situation" to the period of his detention under consideration.

14. Hence, by lodging an application with the Court, these applicants 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. Accordingly, 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 Polychronis Atmatzidis and Constantinos Sevozlidis (indicated under nos. 3 and 9 in the appended table) should be rejected for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention.

15. As regards the remaining applicants, indicated under nos. 1, 6-8 and 10-11 in the annex, 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

16. The details of the applicants' detention are indicated in the appended table.

17. 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).

18. 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).

19. 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).

20. 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.

21. 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 and 6-8 in the appended table, had been each detained in cells holding four persons in total. As regards the applicants, indicated under nos. 10 and 11, they had been each detained in cells holding one or two persons in total.

22. In view of the above, the Court finds that the applicants indicated under nos. 1 and 6-8 in the annex disposed of less than 3 sq. m of personal space, even assuming that the cells where they were detained had 8.5 sq. m of living space (the maximum as per the Government's submissions).

23. Turning to the applicants listed under nos. 10 and 11 in the 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. In 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 capacity was 1,270 inmates, while the occupancy rate varied from 2,209 prisoners in 2014 to 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.

24. In view of the above, the Court cannot accept the Government's assertion that the cells in which the applicants, listed under nos. 10 and 11 in the table, were detained had held one or two detainees. It therefore accepts the applicants' arguments that each cell was occupied by three to four persons. It follows that, even assuming that the cells of the applicants, indicated under nos. 10 and 11 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 less than 3 sq. m.

25. 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, 6-8 and 10-11 in the appended table) were inadequate. Accordingly, there has been a violation of Article 3 of the Convention on account of the overcrowded conditions of detention in the Korydallos Prison.

26. 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).

IV. REMAINING COMPLAINTS

27. The applicants, indicated under nos. 1, 6-8 and 10-11 in the appended table, complained under Article 13 that they had no effective remedy at their disposal in connection to their complaint under Article 3 of the Convention.

28. 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 prevailing in 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).

29. Finally, the applicant, listed under no. 11 in the table, complained under Article 5 § 1 of the Convention of the very fact of his detention, and the applicants, indicated under nos. 3 and 9 in the appended table, complained under Article 13 of the Convention that they did not have an effective remedy as regards their complaints regarding the conditions of their detention.

30. 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.

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

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

32. 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, 6-8 and 10-11, plus any tax that may be chargeable.

33. 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. The Court dismisses the remaining claims for just satisfaction brought by the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* that Ms Elena Zizina has standing to pursue the proceedings before the Court in the stead of the late applicant, Georgios Zizinis (indicated under no. 11 in the appended table);
2. *Decides* to strike out the application in the part lodged by the applicants, Vasilios Kallaritis, Georgios Maridis-Maredis, and Wilson Onaghise (indicated under nos. 2, 4 and 5 in the appended table);
3. *Declares* the complaints concerning the inadequate conditions of detention with respect to the applicants indicated under nos. 1, 6-8 and 10-11 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;
4. *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, 6-8 and

10-11 in the appended table in overcrowded conditions in the Korydallos Prison;

5. *Holds* that there is no need to examine the remaining complaints about the conditions of detention raised under Article 3 of the Convention by some applicants, including the complaints about their detention together with convicted prisoners;
6. *Holds*
 - (a) that the respondent State is to pay the applicants indicated under nos. 1, 6-8 and 10-11 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.
7. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 22 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	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
510/18 21/12/2017 (11 applicants)	1. Apostolos LEVANTIS 1978	Korydallos Prison 06/11/2017-11/01/2018 2 months and 6 days	6,100
	2. Vasilios KALLARITIS 1977	Korydallos Prison 23/03/2017-01/06/2018 1 year and 2 months and 10 days	----
	3. Polychronis ATMATZIDIS 1988	Korydallos Prison 01/12/2016-28/11/2018 1 year and 11 months and 28 days	----
	4. Georgios MARIDIS-MAREDIS 1982	Korydallos Prison 10/03/2017-23/07/2017 4 months and 14 days	----
	5. Wilson ONAGHISE 1972	Korydallos Prison 12/08/2014-03/05/2018 3 years and 8 months and 22 days	----
	6. Filippas PAISIOS 1964	Korydallos Prison 05/09/2017-05/09/2018 1 year and 1 day	4,000

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

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Application no. Date of introduction	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. Stavros-Panagiotis PANAGAKOS 1981	Korydallos Prison 04/04/2017-24/02/2020 2 years and 10 months and 21 days	8,200
	8. Dimitrios SAMLIDIS 1981	Korydallos Prison 06/11/2017-15/01/2018 2 months and 10 days	1,300
	9. Constantinos SEVOZLIDIS 1981	Korydallos Prison 07/02/2017-08/09/2017 7 months and 2 days	----
	10. Ioannis TSIVELEKIDIS 1987	Korydallos Prison 27/03/2017-27/11/2018 1 year and 8 months and 1 day	5,500
	11. Georgios ZIZINIS 1983 Died in 2023 <u>Heir:</u> Elena ZIZINA Born in 1960	Korydallos Prison 21/11/2016-16/09/2018 1 year and 9 months and 27 days	5,700