



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

THIRD SECTION

CASE OF DRIVAS AND OTHERS v. GREECE

(Application no. 30418/20)

JUDGMENT

STRASBOURG

22 October 2026

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

In the case of Drivas 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 11 July 2020.

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. Some applicants also raised other complaints under the provisions of the Convention.

THE LAW

I. STRIKE OUT OF THE APPLICATION WITH RESPECT TO APPLICANTS SPYRIDON ASMANOGLU AND IOANNIS PANAGIOTOPOULOS

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 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 Spyridon Asmanoglou and Ioannis Panagiotopoulos, indicated under nos. 2 and 5 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 Spyridon Asmanoglou and Ioannis Panagiotopoulos, indicated under nos. 2 and 5 in the appended table.

8. Accordingly, the case should be struck out of the list with respect to these two applicants.

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

9. The remaining applicants, G. Drivas, N. Avramopoulos and T. Mylonas, indicated under nos. 1 and 3-4 in the appended table, complained under Article 3 of the Convention of the inadequate conditions of their detention in the Korydallos Prison.

A. Admissibility

10. The Government submitted that the applicants N. Avramopoulos and T. Mylonas, indicated under nos. 3 and 4 in the appended table, had been either transferred to a different prison facility or had been released prior to lodging their application with the Court and had, thus, failed to exhaust the remedy provided for under Article 105 of the Introductory Law to the Civil Code.

11. The Court notes that the applicant N. Avramopoulos had been released on 21 January 2020 and the applicant T. Mylonas had been transferred to the Chalkida Prison on 10 February 2020, that is before they lodged their application with the Court on 11 July 2020. It follows that when they lodged their applications with the Court, the applicants were no longer detained in the conditions of which they complained. Furthermore, the applicant T. Mylonas did not raise any complaints concerning the conditions of his detention in the subsequent detention facility. In that regard, he failed to substantiate that the conditions of detention in the 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.

12. Hence, by lodging an application with the Court these applicants did not seek to put an end to an ongoing violation, but to obtain a subsequent ruling on an alleged past violation of Article 3 on account of the conditions

of their detention in prison and, if appropriate, to receive just satisfaction for non-pecuniary damage. Therefore, an action under Article 105 of the Introductory Law to the Civil Code constituted a domestic remedy which should have been used (see *Papadakis and Others v. Greece*, no. 34083/13, §§ 47-48, 25 February 2016, and *Zabelos and Others v. Greece*, no. 1167/15, § 54, 17 May 2018, with further references).

13. In view of the above, the Court upholds the Government's objection and finds that the applicants, listed under nos. 3 and 4 in the appended table, have failed to exhaust domestic remedies, and thus their complaints about poor detention conditions must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

14. As regards the applicant G. Drivas, indicated under no. 1 in the appended table, the Court notes that his complaint is neither manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention nor inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

15. 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).

16. 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).

17. 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).

18. The applicant argued that he had been detained in overcrowded conditions, having been afforded less than 3 sq. m of personal space. He alleged that he had been held in wings A, B and D of the Korydallos Prison in different cells measuring 8.5 sq. m, together with at least four other detainees.

19. The Government submitted that the overall conditions of the applicant's detention had not attained the minimum level of severity required to fall within the scope of Article 3 of the Convention. However, they did not

provide precise information regarding the number of co-detainees accommodated in the cells in which the applicant had been held.

20. 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. 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 from 1,300 prisoners in 2016 to 1,845 in 2020. Lastly, according to the statistical data of the Ministry of Justice, there was persistent overcrowding in that facility in 2019, 2020 and 2021. Accordingly, the Court accepts the applicant's contention that the Korydallos Prison operated beyond its intended capacity throughout his detention, resulting in a manifest lack of personal space. It is further evident that such a deficiency in personal space cannot be regarded as short, occasional or minor within the meaning of the Court's case-law (see *Muršić*, cited above, § 130).

21. In view of the above and having regard to its case-law on the subject, the Court finds it established that the detention conditions of the applicant (indicated under no. 1 in the appended table) were inadequate. Accordingly, there has been a violation of Article 3 of the Convention.

III. REMAINING COMPLAINTS

22. The applicant, listed 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 domestic remedy to complain about the poor conditions of his detention.

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 prevailing 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. Finally, the applicants raised other complaints under various Convention provisions about the quality of the medical care in the Korydallos Prison, in particular during the Covid-19 pandemic. The applicant, indicated under no. 1 in the appended table, complained also about the very fact of his detention and the applicants indicated under nos. 3 and 4 complained about the lack of an effective remedy in respect of the conditions of their detention.

25. 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.

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 applicant, listed under no. 1 in the appendix, 6,000 euros (EUR), in respect of non-pecuniary damage, and EUR 1,000 for costs and expenses incurred in the proceedings before it, plus any tax that may be chargeable to him on those amounts.

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 S. Asmanoglou and I. Panagiotopoulos, indicated under nos. 2 and 5 in the appended table;
2. *Declares* the complaints raised under Article 3 of the Convention by the applicant, indicated under no. 1 in the appended table, concerning the conditions of his detention in the Korydallos Prison admissible, *finds* that it is not necessary to examine separately his complaint under Article 13 of the Convention about the availability of domestic remedies to complain about poor detention conditions and *declares* the remainder of the application inadmissible;
3. *Holds* that this application discloses a breach of Article 3 of the Convention in view of the detention of the applicant indicated under no. 1 in the appended table in overcrowded conditions in the Korydallos Prison;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, indicated under no. 1, within three months:
 - (i) EUR 6,000 (six thousand euros), in respect of non-pecuniary damage, plus any tax that may be chargeable to him on that amount;
 - (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to that applicant, 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.

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	Specific grievances
29655/20 11/07/2020	1. Georgios DRIVAS 1975	Korydallos Prison 12/07/2019-04/06/2021 1 year and 10 months and 24 days	overcrowding, no or restricted access to warm water, inadequate temperature, mouldy or dirty cell, lack of or inadequate hygienic facilities, poor quality of food, lack of fresh air, passive smoking
	2. Spyridon ASMANOGLOU 1970	Korydallos Prison 21/03/2018-10/02/2020 1 year and 10 months and 21 days	
	3. Nikolaos AVRAMOPOULOS 1950	Korydallos Prison 19/09/2019-21/01/2020 4 months and 3 days	
	4. Theodoros MYLONAS 1962	Korydallos Prison 22/11/2017-10/02/2020 2 years and 2 months and 20 days	
	5. Ioannis PANAGIOTOPOULOS 1960	Korydallos Prison 18/01/2019-07/11/2020 1 year and 9 months and 21 days	