



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

THIRD SECTION

DECISION

Application no. 21206/21
Abou Samir AHMED against Greece
and 8 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 17 September 2026 as a Committee composed of:

Úna Ní Raifeartaigh, *President*,

Canòlic Mingorance Cairat,

Vasilka Sancin, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*.

Having regard to the above applications against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants were represented by Moysidou Xanthippi, a lawyer practising in Thessaloniki.

The applicants’ complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Greek Government (“the Government”). In all the applications, complaints based on the same facts were also communicated under Article 13 of the Convention concerning the lack of any effective remedy in domestic law in respect of inadequate conditions of detention.

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Complaints under Articles 3 and 13 of the Convention

In the present applications, having examined all the material before it, the Court considers that the complaints about the applicants' conditions of detention in various prisons and the lack of any effective remedy in domestic law in respect of such conditions are inadmissible for the reasons stated below.

In particular, the Government asked the Court to reject the applications on the grounds of non-exhaustion of domestic remedies on account of the applicants' failure to lodge compensatory actions with the domestic courts based on Article 105 of the Introductory Law to the Civil Code for the conditions of their detention.

The Court reiterates that as regards the exhaustion of domestic remedies, the situation of a person who was detained under circumstances which he or she deemed contrary to Article 3 of the Convention and who apprised the Court after his or her release or transfer to another detention facility is different from the situation of an individual who is still in detention under the circumstances of which he or she complains. In particular as regards Greece, an action under Article 105 of the Introductory Law to the Civil Code constitutes a purely compensatory remedy which allows the person concerned to seek and obtain redress for his or her conditions of detention in prison following release or transfer (see, for instance, *Chatzivasiliadis v. Greece* (dec.), no. 51618/12, §§ 29-34, 26 November 2013; *Papadakis and Others v. Greece*, no. 34083/13, § 40, 25 February 2016; *Zabelos and Others v. Greece*, no. 1167/15, §§ 50 and 54, 17 May 2018, and *Tasios and Others v. Greece* ([Committee] (dec.), nos. 70606/17 and 6 others, §§ 29-35, 26 May 2020).

The Court notes that the applicants were released from prison or transferred to a different prison on various dates prior to lodging their applications (as set out in the appended table). It follows that when they lodged their applications with the Court the applicants were no longer detained under the conditions of which they complained. Furthermore, the applicants did not raise any complaints concerning the conditions of their detention in the subsequent detention facilities, about which they provided no information. In that regard, the applicants who were transferred to a different prison failed to substantiate that the conditions in the new detention facilities were essentially the same as those in the previous ones and that they

constituted the “continuing situation”. Hence, by lodging their applications with the Court they did not seek to put an end to an ongoing violation, but to obtain a subsequent ruling on an alleged past violation 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 by the applicants.

In view of the above, the Court finds that the applicants have failed to exhaust domestic remedies, and thus their complaints under Article 3 of the Convention must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

Bearing in mind the considerations made above, the complaint under Article 13 is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 8 October 2026.

Viktoriya Maradudina
Acting Deputy Registrar

Úna Ní Raifeartaigh
President

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APPENDIX

List of applications raising complaints under Article 3 of the Convention
(inadequate conditions of detention)

No.	Application no. Date of introduction	Applicant's name Year of birth	Facility of release or transfer Release/transfer date	Other complaints under well-established case-law
1.	21206/21 19/04/2021	Abou Samir AHMED 1995	Diavata Prison to Neapolis Prison 12/04/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
2.	21261/21 19/04/2021	Abdelasis OULDKOUIDER 1990	Diavata Prison 08/03/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
3.	23055/21 19/04/2021	Zakaria KLIDJON MOHAMED 1999	Diavata Prison to Trikala Prison 05/03/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
4.	23070/21 19/04/2021	Antonios BOULIOS 1977	Diavata Prison 01/04/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
5.	33409/21 16/06/2021	Ali AL RASHDAN 1996	Diavata Prison to Trikala Prison 11/06/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
6.	37663/21 15/07/2021	Nikolai GOGEV 1965	Nigrita Prison 01/07/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
7.	37671/21 15/07/2021	Marsel BALO 1984	Nigrita Prison to Eleonas Prison 05/03/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
8.	37675/21 15/07/2021	Christos TSAKITZIS 1978	Nigrita Prison 26/02/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention

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No.	Application no. Date of introduction	Applicant's name Year of birth	Facility of release or transfer Release/transfer date	Other complaints under well-established case-law
9.	37684/21 15/07/2021	Ramal/Jamal/Morteza ESKANDARI/SAMADI/SAMADE 1993	Diavata Prison to Larissa Prison 06/07/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention