



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

THIRD SECTION

CASE OF PENTARAKIS AND OTHERS v. GREECE

(Application no. 82914/17)

JUDGMENT

STRASBOURG

9 July 2026

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

In the case of Pentarakis 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 18 June 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 23 November 2017.

2. The applicants were represented by Ms E.-L. Koutra, 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 Patras prison. The applicants also raised other complaints under the provisions of the Convention.

THE LAW

I. STRIKING OUT WITH RESPECT TO APPLICANTS GEORGIOS PANOU, RAMAZAN SARITAS, ISLAM SINAJ AND HE WENPING

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 applicants Georgios Panou, Ramazan Saritas, Islam

Sinaj and He Wenping (indicated under nos. 19-22 in the appended table), nor submitted any proof that she was still in contact with these applicants.

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 Georgios Panou, Ramazan Saritas, Islam Sinaj and He Wenping.

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

8. The remaining applicants complained under Article 3 of the Convention of the inadequate conditions of their detention. Some of the applicants also complained under the same Convention provision that they had been kept with convicted prisoners.

A. Admissibility

9. The Government objected that the applicants, Ioannis Panagiotou, Ervin Renja, Enea Rexhepaj and Juxhin Rustemaj (indicated under nos. 23- 26 in the appended table), had been released before the application was lodged, and should therefore have exhausted the remedy under Article 105 of the introductory Law to the Civil Code. The Court notes that, at the time when these applicants lodged the application, they had already been released. Therefore, they did not seek to put an end to an ongoing violation of their right not to be subjected to inhuman or degrading treatment, but 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). Accordingly, the complaints about poor conditions of detention lodged by the applicants, Ioannis Panagiotou, Ervin Renja, Enea Rexhepaj and Juxhin Rustemaj (indicated under nos. 23-26 in the appended table) should be rejected for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention.

10. As regards the remaining applicants indicated under nos. 1-18 in the annex, the Court notes that the 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

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

12. 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).

13. The Court has already found a violation of Article 3 of the Convention in respect of the conditions of detention in the Patras prison (see *Papakonstantinou v. Greece*, no. 50765/11, §§ 56-61, 13 November 2014, and, for example, *Georgiou and Others v. Greece*, no. 6813/12, §§ 56-63, 15 March 2018), including during periods when the applicants in the present case were kept in it (see *Pekov and Andreeva v. Greece* [Committee], no. 36658/17, §§ 6, 42 and 58, 6 September 2018).

14. 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).

15. In the present case, the applicants were detained in dormitories in wings A, B and C. Relying on a certificate by the Patras Prison administration prepared for the proceedings before the Court, the Government stressed that those dormitories measured 28.6 sq. m. They did not submit any primary evidence in support, such as floor plans, building documentation, etc. Accordingly, the Government failed to discharge the burden of proof, and the Court accepts the applicants' argument that the dormitories had a surface area of 22.5 sq. m, which is also corroborated by a report of the European Committee for the Prevention of Torture following its visit in 2009 (CPT/Inf (2010) 33, and see also *Georgiou and Others*, cited above, § 58). The Government further argued that the dormitories in question housed between five and eight detainees. The Court notes that during the periods when the dormitories hosted eight detainees, the personal space available to each inmate was 2.81 sq. m. The Government did not specify, however, the exact periods during which the dormitories had hosted eight inmates, nor did they indicate the number of the applicants' co-detainees. It follows that, throughout the applicants' detention in the dormitories, they disposed 2.81 sq. m of personal space.

16. Some applicants were also detained in cells for a part of their detention. The Government submitted that those cells measured 8.6 sq. m and had lodged two detainees, or three in exceptional circumstances and only for

short periods of time. The Government thus acknowledged that in some cases, when three detainees had been kept in the cells, the personal space per inmate was less than 3 sq. m. The Government did not specify, however, the exact duration of the periods during which the cells had housed three inmates, nor provided specific information about the number of the applicants' co-detainees. Accordingly, their argument that the periods in question were short is unsubstantiated. It follows that, when detained in the cells, the applicants disposed 2.87 sq. m of personal space for unspecified periods of time.

17. The Court has already found that the Patras Prison had been overcrowded between 2015 and 2017 (see, for example, *Pekov and Andreeva*, cited above, §§ 6, 42 and 58). Further, the relevant statistical data from the Ministry of Justice demonstrate persisting overcrowding in that prison between 2017 and 2022. In view of the above and having regard to its case-law on the subject, the Court finds it established that the conditions of detention of the applicants (indicated under nos. 1-18 in the appended table) were inadequate. Accordingly, there has been a violation of Article 3 of the Convention.

18. 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 alleged ill-treatment resulting from the detention of some of the applicants together with convicted prisoners (see, for example, *Igbo and Others v. Greece*, no. 60042/13, § 46, 9 February 2017).

III. OTHER ALLEGED VIOLATIONS

19. The applicants complained under Article 13 of the Convention that they had no effective domestic remedy to raise their complaints about poor detention conditions.

20. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has already examined the main legal question raised in the present application and that there is no need to give a separate ruling on the complaint under Article 13 of the Convention (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

21. Finally, some applicants also complained under Article 3 of the Convention that they had not received adequate medical care in the Patras Prison.

22. 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 do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

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

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

24. Regard being had to the documents in its possession and to its case-law (see, in particular, *Muršić*, cited above, § 181), the Court considers it reasonable to award the sums indicated in the appended table for non-pecuniary damage.

25. The Court also considers it reasonable to award these applicants the amount of 1,000 EUR jointly for costs and expenses incurred in the proceedings before it, plus any tax that may be chargeable to them.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to strike out the application in the part lodged by the applicants Georgios Panou, Ramazan Saritas, Islam Sinaj and He Wenping (indicated under nos. 19-22 in the appended table);
2. *Declares* the complaints under Article 3 of the Convention about the conditions of detention with respect to the applicants, indicated under nos. 1-18 in the appended table, admissible, *finds* that it is not necessary to examine separately the complaint under Article 13 of the Convention and *declares* the remainder of the application inadmissible;
3. *Holds* that there has been a violation of Article 3 of the Convention in view of the detention of the applicants, indicated under nos. 1-18 in the appended table, in overcrowded conditions of the Patras Prison;
4. *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 of the applicants, including the complaints about their detention together with convicted prisoners;
5. *Holds*
 - (a) that the respondent State is to pay the applicants, indicated under nos. 1-18 in the appended table, 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) 1,000 EUR (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

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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 9 July 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)

Applicant's name Year of birth	Facility Start and end date Duration Sq. m per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
1. Petros PENTARAKIS 1957	Patras prison 28/06/2017 - 17/10/2017 3 months and 20 days Detained in dormitories	overcrowding, no or restricted access to warm water, inadequate temperature, mouldy or dirty cell, poor quality of potable water, lack of or inadequate hygienic facilities, poor quality of food, lack of fresh air, infestation of cell with insects/rodents	1,600
2. Athanasios PROFKA 1993	Patras prison 10/12/2016 - 05/03/2018 1 year and 2 months and 24 days Detained in dormitories		4,400
3. Panajot PROFKA 1965	Patras prison 5/10/2016 - 21/06/2023 6 years and 8 months and 17 days Detained in dormitories		9,400
4. Afrim QEVANI 1973	Patras prison 13/03/2014 - 03/08/2020 6 years and 4 months and 22 days Detained in dormitories		9,400
5. Irfan REXHEPI 1966	Patras prison 19/03/2016 - 18/05/2022 6 years and 2 months Detained in dormitories and cells		9,400

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

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Applicant's name Year of birth	Facility Start and end date Duration Sq. m per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
6. Alen RIZVANI 1986	Patras prison 08/08/2014 - 10/04/2018 3 years and 8 months and 3 days Detained in dormitories		9,400
7. Leonard RUVALIS 1984	Patras prison 29/01/2017 - 11/01/2018 11 months and 14 days Detained in dormitories		3,800
8. Artur SALIKO 1963	Patras prison 08/07/2016 - 10/02/2020 3 years and 7 months and 3 days Detained in dormitories		9,400
9. Ervin SERJANAI 1985	Patras prison 17/05/2017 - 16/03/2018 9 months and 28 days Detained in dormitories		3,600
10. Armando SHABANAJ 1989	Patras prison 07/11/2013 - 08/07/2019 5 years and 8 months and 2 days Detained in dormitories		9,400
11. Nikola SHUKLE 1988	Patras prison 11/05/2014 - 16/05/2018 4 years and 6 days Detained in dormitories		9,400
12. Harun TOK 1980	Patras prison 27/02/2014 - 30/06/2022 8 years and 4 months and 4 days Detained in dormitories		9,400
13. Georgios VAKONTIOS 1977	Patras prison 09/11/2016 - 01/06/2018 1 year and 6 months and 24 days Detained in dormitories		5,200

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Applicant's name Year of birth	Facility Start and end date Duration Sq. m per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
14. Nikolaos VASILOPOULOS 1989	Patras prison 11/05/2017 - 14/08/2017 3 months and 4 days Detained in dormitories		1,600
15. Konstandin VERAJ 1977	Patras prison 29/06/2016 - 11/09/2017 1 year and 2 months and 14 days Detained in dormitories		4,400
16. Ardjan VIDHANI 1977	Patras prison 11/03/2016 - 17/10/2022 6 years and 7 months and 7 days Detained in dormitories and cells		9,400
17. Nikola VREKA 1972	Patras prison 24/04/2017 - 01/11/2019 2 years and 6 months and 9 days Detained in dormitories and cells		7,400
18. Yali YANG 1962	Patras prison 14/06/2013 – Ongoing 12 years and 10 months and 22 days Detained in dormitories and cells		9,400
19. Georgios PANOU 1967	Patras prison 10/07/2017 - 10/12/2018 1 year and 5 months and 1 days Detained in dormitories		-
20. Ramazan SARITAS 1975	Patras prison 20/12/2013 - 01/12/2017 3 years and 11 months and 12 days Detained in dormitories		-
21. Islam SINAJ 1980	Patras prison 09/03/2017 - 28/08/2017 5 months and 20 days Detained in dormitories		-

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Applicant's name Year of birth	Facility Start and end date Duration Sq. m per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
22. He WENPING 1988	Patras prison 08/06/2016 - 08/08/2017 1 year and 2 months Detained in dormitories		-
23. Ioannis PANAGIOTOU 1977	Patras prison 30/05/2016 - 26/10/2017 1 year and 4 months and 27 days Detained in dormitories		-
24. Ervin RENJA 1983	Patras prison 17/07/2017 - 28/08/2017 1 month and 12 days Detained in dormitories		-
25. Enea REXHEPAJ 1991	Patras prison 29/07/2017 - 20/10/2017 2 months and 22 days Detained in dormitories		-
26. Juxhin RUSTEMAJ 1987	Patras prison 12/04/2016 - 23/08/2017 1 year and 4 months and 12 days Detained in dormitories		-