

EUROPEAN COURT OF HUMAN RIGHTS

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Press release issued by the Registrar

CHAMBER JUDGMENT KAJA v. GREECE

The European Court of Human Rights has today notified in writing its Chamber judgment¹ in the case of *Kaja v. Greece* (application no. 32927/03).

The Court held unanimously that there had been a **violation of Article 3** of the European Convention on Human Rights (prohibition of inhuman or degrading treatment) in respect of the conditions of the applicant's detention in the police detention centre in Larissa.

Under Article 41 of the Convention (just satisfaction), the Court awarded the applicant 5,000 euros (EUR) for non-pecuniary damage. (The judgment is available only in French.)

1. Principal facts

The applicant, Sokrat Kaja, is an Albanian national who was born in 1965.

In February 2002 the applicant was sentenced to four years' imprisonment for drug offences. He appealed against the decision and was released. In January 2003 the Salonika Court of Appeal sentenced the applicant to three years' imprisonment in connection with a separate drug-trafficking offence, and ordered that he be deported as soon as he had served his sentence. The applicant was detained in Larissa Prison.

On 14 July 2003 the Larissa Criminal Court, noting that the applicant was eligible for release, having served three-fifths of his sentence, ordered his release on condition that he left the country. The applicant was released the same day and was immediately placed in detention in the police detention centre in Larissa with a view to his deportation. Notwithstanding his appeals and at least one suicide attempt (two according to the applicant), he was held in the police detention centre until 10 October 2003, when he was transferred to Larissa Prison.

There was disagreement between the parties as to the conditions of the applicant's detention in the Larissa police detention centre.

The applicant maintained that the detention centre was overcrowded, located in the basement and had no windows, and therefore no natural light or ventilation. He

alleged that the premises were dirty and had no beds or sanitary facilities; the detainees slept on the floor, sometimes next to their excrement, and there was nowhere for them to take exercise. In addition, detainees were not fed but were obliged to purchase food from the canteen.

The Greek Government denied the allegations.

As the applicant had withdrawn his appeal against the original decision convicting him, the Court of Appeal determined the aggregate length of his sentences. On 18 February 2004 the Indictment Division of the Larissa Criminal Court ordered that the applicant be released, on condition that he left Greece and did not return within three years.

The applicant was released the same day and was deported on 20 February 2004.

2. Procedure and composition of the Court

The application was lodged on 14 October 2003.

On 31 March and 1 April 2006 a delegation from the Court conducted a fact-finding visit to Greece to establish the conditions in which the applicant had been held in the Larissa police detention centre.

Judgment was given by a Chamber of 7 judges, composed as follows:

Loukis Loucaides (Cypriot), *President*,
Christos Rozakis (Greek),
Françoise Tulkens (Belgian),
Elisabeth Steiner (Austrian),
Khanlar Hajiyev (Azerbaijani),
Dean Spielmann (Luxemburger),
Sverre Erik Jebens (Norwegian), *judges*,

and also Søren Nielsen, *Section Registrar*.

3. Summary of the judgment²

Complaint

Relying on Article 3 of the Convention, the applicant complained in particular of the conditions in which he had been held in the police detention centre in Larissa.

Decision of the Court

Article 3

Having regard to the observations made by its delegation following its fact-finding visit to the police detention centre in Larissa in the spring of 2006, the Court considered that the conditions there were acceptable, although it appeared that the centre had been freshly painted and meticulously cleaned in connection with the visit.

Nevertheless, the Court considered that the detention centre was not suitable for periods of detention as long as that of the applicant. By its very nature, it was designed to house defendants for short periods, not for a period of three months. The centre possessed certain features liable to produce feelings of isolation among detainees, with no outdoor exercise space, no in-house catering facilities and no radio or television to provide contact with the outside world. While the centre provided conditions which were acceptable for a short period of detention, it was not suited to the requirements of extended periods of imprisonment. In that connection, the Court referred to the recommendations of the CPT (Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) regarding police detention.

In the circumstances, the Court considered that the detention of the applicant for three months in the premises in question amounted to degrading treatment. It therefore held that there had been a violation of Article 3 of the Convention.

The Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

² This summary by the Registry does not bind the Court.