



Judgments and decisions of 17 May 2018

The European Court of Human Rights has today notified in writing five judgments¹ and 47 decisions²: three Chamber judgments are summarised below; a separate press release has been issued for one other Chamber judgment in the case of *Ljatifi v. 'the former Yugoslav Republic of Macedonia'* (application no. 19017/16);

one Committee judgment, concerning issues which have already been submitted to the Court, and the 47 decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments in French below are indicated with an asterisk ().*

Pilalis and Others v. Greece (application no. 5574/16)*

The applicants, Dimitrios Pilalis, Varlam Hartislava and Christoforos Martidis, are Greek nationals who were born in 1941, 1977 and 1973 respectively. All three were detained in Domokos Prison (Greece). The case concerned their conditions of detention.

Mr Pilalis had heart problems and was registered as 80% disabled. He was detained in Domokos Prison from 2010 to 2016, when he was released. Mr Hartislava was detained in the same prison from 2013 to 2016, when he was transferred to another prison, while Mr Martidis was detained there from 2009 until his release in 2015. According to the three applicants, they had less than 3 sq. m of personal space in their cells owing to overcrowding. They also complained of cuts in the water supply and alleged that the meals and medical treatment provided were inadequate.

In February 2015 the inmates of Domokos Prison refused to return to their cells or to eat, demanding that a doctor be assigned to the prison immediately. In a statement to the press they called for access to medical treatment. The first and second applicants addressed their complaints concerning their conditions of detention to the prosecutor supervising the prison, but received no reply.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, the applicants complained of their conditions of detention in Domokos Prison and of the lack of an effective remedy in that regard.

No violation of Article 3 – in respect of Mr Pilalis and Mr Hartislava

Violation of Article 13 – in respect of Mr Pilalis and Mr Hartislava

Application **struck out** in so far as Mr Martidis was concerned

Just satisfaction: 2,000 euros (EUR) each to Mr Pilalis and Mr Hartislava for non-pecuniary damage.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

Zabelos and Others v. Greece (no. 1167/15)

The applicants in this case are 18 persons of various nationalities born between 1951 and 1990, who were or are still detained in Korydallos Prison Hospital (Greece). They all suffer from HIV infection, apart from one applicant who suffers from chronic obstructive pulmonary disease.

The applicants complained in particular about the conditions of their detention, namely of overcrowding at the Prison Hospital, which had resulted in a deterioration of their already fragile health. They alleged that they had been detained in hospital wards which measured 44 sq. m and which were occupied by twelve detainees on average for the period between 2013 and 2015. Furthermore, half the area of each ward was occupied by beds and other equipment. The applicants submit that there was a high risk of infection and poor conditions of hygiene in the hospital, resulting in the presence of pests.

In December 2014 the applicants lodged a complaint with the Prison Board under Article 6 of the Domestic Penal Code, to which they have not received any reply to date.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) the applicants complained about the conditions of their detention in the Prison hospital and that in respect of their complaints under Article 3 they had had no effective domestic remedy.

Violation of Article 3 – in respect of Mr Zabelos, Mr Berberaj, Mr Berberidis, Mr Honein, Mr Iliopoulos, Mr Kamoli, Mr Khutsishvili, Mr Konstantinidis, Mr Machos, Mr Moradyan, Mr Oikonomakos, Mr Papadopoulos, Mr Pirpiniadis, Mr Samlidis, Mr Toufektsis and Mr Tsiriklos

Violation of Article 13 in conjunction with Article 3 – in respect of Mr Zabelos, Mr Berberaj, Mr Berberidis, Mr Honein, Mr Iliopoulos, Mr Kamoli, Mr Khutsishvili, Mr Konstantinidis, Mr Machos, Mr Moradyan, Mr Oikonomakos, Mr Papadopoulos, Mr Pirpiniadis, Mr Samlidis, Mr Toufektsis and Mr Tsiriklos

Application **struck out** in so far as it concerned the detention of Mr Martzaklis up to 9 July 2015
Application declared **inadmissible** in so far as it concerned Mr Sabrioglou and the detention of Mr Martzaklis from 9 July until 3 August 2015

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants in respect of the violation of Article 13 of the Convention. It awarded the applicants the following amounts on account of the non-pecuniary damage sustained in respect of the violation of Article 3 of the Convention: EUR 3,000 to Mr Samlidis, EUR 4,000 to Mr Papadopoulos, EUR 5,000 each to Mr Zabelos and Mr Kamoli, EUR 8,000 each to Mr Berberidis, Mr Honein, Mr Iliopoulos, Mr Khutsishvili, Mr Konstantinidis, Mr Oikonomakos, Mr Pirpiniadis and Mr Tsiriklos, and EUR 12,000 each to Mr Berberaj, Mr Machos, Mr Moradyan and Mr Toufektsis. Lastly, the Court awarded, jointly to these 16 applicants, EUR 2,000 in respect of costs and expenses.

Wolland v. Norway (no. 39731/12)

The applicant, Steingrim Wolland, is a Norwegian national who was born in 1961 and lives in Oslo.

The case concerned the applicant's complaint about the legal procedure for seizing, holding and sifting documents which might be subject to client-lawyer privilege.

Mr Wolland was a practising lawyer until his licence was suspended after bankruptcy proceedings in April 2009. In March 2010 prosecutors issued charges against him of aiding and abetting fraud and forging documents, and the police searched his home and his office. Documents were put in a sealed bag and copies of his hard disk and laptop were made.

Under domestic legislation, there was a presumption that some of his documents and other material were covered by professional privilege, meaning a court had first to determine what could be legally examined by prosecutors. Prosecutors asked the court for such a decision in January 2011.

In February 2011 Mr Wolland's lawyer disputed the lawfulness of what he called the seizure of the material and asked for it to be returned, although under domestic practice no seizure had formally been ordered as the court decision on what was covered by lawyer-client privilege had not yet been delivered. The City Court rejected that challenge, citing Supreme Court case-law, a decision which was upheld on appeal.

Relying in particular on Article 8 (right to respect for private and family life, the home and correspondence), Mr Wolland complained, inter alia, that the authorities had kept the material without making a formal decision on seizure. He also maintained that he had had no opportunity to have the grounds for the suspicion against him re-examined at that stage.

No violation of Article 8

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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.