



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

Communicated on 26 January 2017

**FIRST SECTION**

Application no 459/16  
Electra Leda KOUTRA and Anastasia KATZAKI  
against Greece  
lodged on 23 December 2015

**SUBJECT MATTER OF THE CASE**

According to the applicants, from May to June 2013, transgender persons were stopped by police officers on streets or taken out from inside of their cars and subsequently brought to Plateia Dimokratias police station in Thessaloniki.

The second applicant was placed in Plateias Dimokratias police station on three occasions between 30<sup>th</sup> May 2013 and 3<sup>rd</sup> June 2013, each time for more than three hours.

Following the arrest and placement in detention of another transgender person, a certain R.A., the first applicant, a lawyer and human rights activist, went to the police station in order to represent her. According to the first applicant's allegations, she was mistreated by the police and placed in a cell for about 20 minutes.

The applicants' complaints against the policemen in charge were discontinued by the competent prosecutor. On 30<sup>th</sup> June 2015 their appeals were rejected by a final decision.

**QUESTIONS TO THE PARTIES**

1. Was the second applicant deprived of her liberty in breach of Article 5 § 1 of the Convention? In particular:

a) Was that deprivation of liberty, which allegedly took place on three occasions between 30 May and the 3 June 2013, ordered in accordance with a procedure prescribed by law?

b) Did that deprivation of liberty fall under any of the subparagraphs (a) to (f) of Article 5 § 1 of the Convention?

2. Were the abovementioned instances of deprivation of liberty a result of discrimination against the second applicant due to her gender identity,

and hence subjected her to a difference in treatment when enjoying her right to liberty, contrary to Article 14 taken in conjunction with Article 5 § 1 of the Convention?

3. Was the first applicant subjected to ill-treatment within the meaning of Article 3 of the Convention during the incident at Plateia Dimokratias police station on 3 June 2013 (see *Cazan v. Romania*, no. 30050/12, 5 April 2016)? Did the police use physical force against the first applicant during the incident?

4. Was the second applicant subjected to ill-treatment within the meaning of Article 3 of the Convention during the events that took place between 30 May and the 3 June 2013, in particular in view of the alleged frequency of her arrests and the manner in which she was deprived of her liberty?

5. Having regard to the procedural protection from inhuman or degrading treatment or punishment (see paragraph 131 of *Labita v. Italy* [GC], no. 26772/95, ECHR 2000-IV), can it be said that the authorities carried out an effective official investigation into the applicants' complaints of ill-treatment in compliance with the requirements of Article 3 of the Convention (see also *Assenov and Others v. Bulgaria*, no. 24760/94, § 102, *Reports*, 1998-VIII; see also, *mutatis mutandis*, *Bati and Others v. Turkey*, no. 33097/96, §§ 133-137, ECHR-2004-IV (extracts))?

6. Did the applicants have at their disposal an effective domestic remedy for their Convention complaints under Article 3 of the Convention, as required by Article 13 of the Convention?