



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

THIRD SECTION

CASE OF SELAMI v. GREECE

(Application no. 43274/16)

JUDGMENT

STRASBOURG

10 February 2026

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

In the case of Selami v. Greece,

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

Peeter Roosma, *President*,

Ioannis Ktistakis,

Lətif Hüseyinov, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 43274/16) 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 21 July 2016 by an Albanian national, Mr Kledi Selami (“the applicant”), who was born in 1984, at the time of lodging the application with the Court was detained in Trikala Prison, and was represented by Mr V. Chirdaris, a lawyer practising in Athens;

the decision to give notice of the application to the Greek Government (“the Government”), represented by their Agent’s delegates, Mr K. Georgiadis, Legal Counsellor at the State Legal Council and Ms A. Dimitrakopoulou, Senior Adviser at the State Legal Council;

the parties’ observations;

noting that the Albanian Government did not make use of their right to intervene in the proceedings (Article 36 § 1 of the Convention);

Having deliberated in private on 20 January 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant’s complaints under Article 6 §§ 1 and 3 (b) and (c) of the Convention that he had been deprived of legal assistance of his own choosing, and he had not been given adequate time and facilities to prepare his defence with the lawyer appointed by the court.

2. The applicant was charged with intentional homicide and other crimes. By judgment no. 65-78/2011, the Syros Assize Court found him guilty and sentenced him to life imprisonment. The applicant appealed against the judgment.

3. On 22 September 2014, the day that the appeal hearing before the Northern Aegean Assize Court of Appeal was held, the applicant appeared in person and the presiding judge appointed an interpreter, as the applicant did not speak Greek, but only Albanian. The applicant then requested an adjournment of the hearing, stating that he had been trying to sell property in his home country to find the resources to hire a lawyer of his own choosing. The court refused the request for an adjournment as ill-founded owing to its vagueness, and – as the applicant did not have a representative – appointed Ms H.H., from the relevant list of lawyers, as his defence lawyer, in

accordance with the requirements of Article 340 § 1 of the Greek Code of Criminal Procedure, as in force at the material time. The court then suspended the hearing for one hour so that the applicant and his lawyer could prepare his defence.

4. The trial resumed and while making his statement the applicant requested anew the adjournment of the hearing in order to hire a lawyer of his own choosing. The appeal court did not adjourn, and by judgment no. 46-55/2014 found the applicant guilty as charged and confirmed the sentence of life imprisonment.

5. The applicant lodged an appeal on points of law with the Court of Cassation, represented by a lawyer of his own choosing. He complained, *inter alia*, about the refusal of his request by the Northern Aegean Assize Court of Appeal for an adjournment to hire a lawyer of his own choosing. He further claimed that the one-hour suspension period granted by the appeal court had been inadequate for the preparation of his defence and that the interpreter had not been made available to him and his representative during that time. By judgment no. 1339/2015 of 18 December 2015, the Court of Cassation dismissed the applicant's appeal on points of law. It held that the presiding judge's obligation was limited to the appointment of a lawyer for the defendant, that it was the lawyer's and the defendant's omission that they had not informed the court that the time granted was inadequate, and that, after the appointment of the lawyer Ms H.H. from the relevant list of lawyers, no request for an adjournment in order to hire a lawyer could be raised.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 6 §§ 1 AND 3 (b) OF THE CONVENTION

A. Alleged violation of Article 6 §§ 1 and 3 (b) of the Convention in respect of the time allotted to the applicant to prepare his defence

6. The Government argued that the applicant lacked victim status and had failed to exhaust domestic remedies, by contributing by his conduct to the outcome of the criminal proceedings and failing to raise his arguments in substance before the domestic courts. The applicant contested these objections, arguing that he had raised the relevant arguments, that he had no knowledge of the language or legal procedures, and that he had not received practical and effective legal assistance before or during the trial at the appeal court. He had thus no adequate time and facilities for the preparation of his defence, in breach of Article 6 §§ 1 and 3 (b).

7. The Court considers that the objections raised by the Government are closely linked to the merits of the applicant's complaint and should be

examined under the provisions of the Convention relied upon by the applicant. It accordingly joins these objections to the merits of the case.

8. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

9. The Court reiterates that when assessing whether the accused had adequate time for the preparation of his defence, particular regard has to be had to the nature of the proceedings, as well as the complexity of the case and the stage of the proceedings (see *Gregučević v. Croatia*, no. 58331/09, § 51, 10 July 2012). In the present case, the applicant was charged with a serious crime that led to him being sentenced by the appeal court to life imprisonment. It is noted that the Northern Aegean Assize Court of Appeal was the final substantive court (*jurisdiction de fond*) at the applicant's disposal, as the Court of Cassation's review addresses complaints pertaining to legal issues. Under these circumstances, the Court considers that the one-hour suspension period granted to the applicant to communicate with the court-appointed lawyer was clearly not sufficient to prepare his arguments and his defence (see, among other authorities, *Sakhnovskiy v. Russia* [GC], no. 21272/03, § 103, 2 November 2010).

10. The Court further notes that the applicant's repetition of his request for an adjournment while making his statement (see paragraph 4 above) was indicative of the perceived problem with the time allotted and his merely superficial communication with the court-appointed lawyer because of the lack of adequate time. It cannot therefore agree that the applicant waived his right to request additional time in a knowing and intelligent manner or that he did not raise his complaint in substance given the circumstances (see *Dvorski v. Croatia* [GC], no. 25703/11, §§ 100-02, ECHR 2015). As regards the Government's arguments that the applicant could have notified the prosecutor before the trial in order for a lawyer to be appointed for him beforehand, the Court considers that the applicant was a foreigner, detained in prison, who did not know the language or the provisions of the Greek Code of Criminal Procedure, nor did he have a lawyer to advise him before the hearing (compare *Czekalla v. Portugal*, no. 38830/97, § 65, ECHR 2002-VIII). The Court is therefore satisfied that the appeal court had sufficient indications that should have prompted it to take positive measures and suspend the hearing of its own motion for a longer period (see, for instance, *Sakhnovskiy*, cited above, § 106, and *Vamvakas v. Greece (no. 2)*, no. 2870/11, §§ 36 and 42, 9 April 2015).

11. The Court therefore dismisses the Government's preliminary objections.

12. There has accordingly been a violation of Article 6 §§ 1 and 3 (b) of the Convention.

B. Alleged violation of Article 6 §§ 1 and 3 (b) of the Convention in respect of the lack of an interpreter during communication with the lawyer

13. The Government reiterated the same objections regarding the availability of the interpreter to the applicant and his lawyer for the purpose of their communication during the one-hour suspension period. The applicant contested these arguments.

14. The Court does not consider it necessary to deal with the Government's preliminary objections, because it considers the complaint to be inadmissible, for the following reasons.

15. It appears from the judgments of the Northern Aegean Assize Court of Appeal and the Court of Cassation that the interpreter was appointed by the court prior to the appointment of the lawyer and was made available to them, as per common practice. No evidence was submitted to the Court substantiating the applicant's allegation to the contrary.

16. It follows that this complaint is manifestly ill-founded and must be rejected, in accordance with Article 35 § 4 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 6 §§ 1 AND 3 (c) OF THE CONVENTION

17. The Government reiterated the same objections regarding the applicant's complaint about legal assistance of his own choosing. The applicant insisted on a violation of Article 6 §§ 1 and 3 (c).

18. The Court does not consider it necessary to deal with the Government's preliminary objections, because it considers the complaint to be inadmissible, for the following reasons.

19. The Court refers to the well-established principles concerning the right, in criminal matters, to legal assistance and to the fairness of the proceedings taken as a whole, which were reiterated in *Dvorski* (cited above, §§ 76-82) and *Beuze v. Belgium* ([GC], no. 71409/10, §§ 119-50, 9 September 2018). The Court reiterates that, in situations raising the issue of denial of choice of legal assistance, the requirement of "relevant and sufficient" reasons shall be applied (see *Dvorski*, cited above, §§ 79-82, and *Atristain Gorosabel v. Spain*, no. 15508/15, §§ 41-45, 18 January 2022). The first step should be to assess whether it has been demonstrated in the light of the particular circumstances of each case that there were relevant and sufficient grounds for overriding or obstructing the defendant's wish as to his or her choice of legal representation. Where no such reasons exist, the Court should proceed to evaluate the overall fairness of the criminal proceedings (see *Dvorski*, cited above, § 82).

20. In the present case, the applicant's request for an adjournment was based on his claim that he would sell property to find the necessary resources

to pay a lawyer of his own choosing. It is noted that the applicant did not specify any preparatory actions that he had taken towards selling the property or contacting a lawyer which could have enabled the domestic court to evaluate the chances of success of his actions and the validity of his request. Accordingly, his request was dismissed, and the domestic court appointed a lawyer to represent him.

21. The Court is therefore satisfied that the Northern Aegean Court of Appeal carried out a concrete judicial assessment and provided relevant and sufficient reasons to reject the applicant's request for an adjournment in order to obtain legal assistance of his own choosing (compare and contrast *Atristain Gorosabel*, cited above, § 64).

22. It follows that this complaint is manifestly ill-founded and must be rejected, in accordance with Article 35 § 4 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

23. The applicant claimed 50,000 euros (EUR) in respect of non-pecuniary damage and EUR 800 in respect of costs and expenses incurred before the Court.

24. The Government contended that the amount requested for non-pecuniary damage was excessive and unjustified, taking into consideration the particular circumstances of the case. They further contended that the potential finding of a violation would constitute sufficient just satisfaction, since national legislation provides for the reopening of proceedings. They argued that the amount claimed for costs and expenses was excessive.

25. The Court considers it reasonable to award the applicant EUR 1,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

26. Having regard to the documents in its possession, the Court considers it reasonable to award the applicant EUR 800 for the proceedings before the Court, plus any tax that may be chargeable to him.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join to the merits the Government's preliminary objections concerning the applicant's victim status and non-exhaustion of domestic remedies and *dismisses* them;
2. *Declares* the complaint regarding the time allotted to the applicant to prepare his defence for the appeal court hearing under Article 6 §§ 1 and 3 (b) admissible and the remainder of the application inadmissible;
3. *Holds* that there has been a violation of Article 6 §§ 1 and 3 (b) of the Convention;

4. *Holds*

- (a) that the respondent State is to pay the applicant, within three months, the following amounts:
 - (i) EUR 1,500 (one thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 800 (eight hundred euros), plus any tax that may be chargeable to the applicant, 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 rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 10 February 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President