



Judgments concerning Greece, Russia, “The former Yugoslav Republic of Macedonia”, and Ukraine

The European Court of Human Rights has today notified in writing the following six Chamber judgments¹, none of which is final. The judgments in French are indicated with an asterisk (*).

The Court has also delivered today judgments in the cases of Furcht v. Germany (application no. 54648/09), Melo Tadeu v. Portugal (no. 27785/10), and Mamazhonov v. Russia (no. 17239/13), for which separate press releases have been issued.

Nikolaos Athanasiou and Others v. Greece (application no. 36546/10)*

The 26 applicants are 17 Greek nationals, one Romanian national, five Iraqi nationals, one Turkish national, one Albanian national and one Syrian national who were born between 1905 and 1985 and who were all detained at various times in Alikarnassos Prison (Greece).

The case concerned their conditions of detention in that prison. Twenty-five of the applicants complained to the Greek Ombudsman, who visited the premises in 2010 and 2011, and to the public prosecutor at the Heraklion Criminal Court, with whom they lodged a complaint.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, the applicants complained of their conditions of detention in Alikarnassos Prison, alleging in particular that the prison had been overcrowded and that they had been forced to spend most of the day inside their cells and to eat on their beds, which had been crowded together.

Violation of Article 3 (degrading treatment) – in respect of 16 of the applicants (Mr Loukaggikas, Mr Kapetanios, Mr Koumouras, Mr Theodoratos, Mr Karahalios, Mr Kavalakis, Mr Gergulov, Mr Abdalla, Mr Derviniotis, Mr Mourkoutas, Mr Tserpelis, Mr Assaad, Mr Adnan, Mr Sirin Bayram, Mr Dragoti and Mr Bahri)

Just satisfaction: Regarding non-pecuniary damage, the Court awarded 15,000 euros (EUR) to Mr Loukaggikas, 18,500 EUR to Mr Kapetanios, 20,000 EUR to Mr Koumouras, 20,000 EUR to Mr Theodoratos, 20,000 EUR to Mr Karahalios, 19,500 EUR to Mr Kavalakis, 10,000 EUR to Mr Gergulov, 7,000 EUR to Mr Abdalla, 10,000 EUR to Mr Derviniotis, 10,000 EUR to Mr Mourkoutas, 10,000 EUR to Mr Tserpelis, 10,000 EUR to Mr Assaad, 10,000 EUR to Mr Adnan, 10,000 EUR to Mr Sirin Bayram, 10,000 EUR to Mr Dragoti and 10,000 EUR to Mr Bahri. It further awarded 1,500 EUR to these 16 applicants jointly in respect of costs and expenses.

Bobrov v. Russia (no. 33856/05)

The applicant, Valeriy Bobrov, is a Russian national who was born in 1968 and lives in Togliatti (the Samara Region, Russia).

The case concerned alleged ill-treatment in police custody.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a 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

In 2004 Mr Bobrov was arrested in his flat on suspicion of drug-related offences. He was taken to the police station, where he alleged that he was interrogated with his hands attached to a radiator while police officers beat and kicked him. Medical reports were subsequently issued, confirming a chest injury and a rib fracture. Between September 2004 and April 2007, the prosecutor's office issued four decisions refusing to institute criminal proceedings against the police officers, finding that Mr Bobrov had been injured in unknown circumstances.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Mr Bobrov complained that he had been ill-treated by the police and that there had been no effective investigation into his allegations.

Violation of Article 3 (inhuman and degrading treatment)

Violation of Article 3 (procedure)

Just satisfaction: The applicant did not submit a claim for just satisfaction.

Mela v. Russia (no. 34044/08)

The applicant, Richard Mela, is a Nigerian national who was born in 1979 and lives in Lagos (Nigeria).

The case concerned Mr Mela's complaint about the appalling conditions of his detention on remand and in a correctional colony.

Mr Mela was arrested in St Petersburg on 27 September 2007 on suspicion of robbery and placed in detention pending investigation. He was indicted on 9 October 2007 and remained in detention pending trial. He was ultimately found guilty as charged in April 2008 and sentenced to four years' imprisonment. His conviction was upheld on appeal in July 2008. Once his conviction became final in August 2008, he was sent to serve his sentence in correctional colony no. IK-6 in St Petersburg. His detention in the colony was punctuated by several transfers back to the remand prison.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Mela complained about the conditions of his detention in St Petersburg both in the Remand Prison no. SIZO-1 and the Correctional Colony no. IK-6, alleging in particular overcrowding and poor sanitary facilities. Further relying on Article 5 § 1 (c) (right to liberty and security), he also complained that, despite the express requirement under Russian law that suspects should be indicted within ten days of arrest (that is no later than 7 October 2007 in his case) or released, he had remained in custody.

Violation of Article 3 (inhuman and degrading treatment)

Violation of Article 13

Violation of Article 5 § 1 (c)

Just satisfaction: EUR 6,500 (non-pecuniary damage)

V.P. v. Russia (no. 61362/12)

The applicant, Mr V.P., is a Moldovan national who was born in 1975 and lives in Chisinau (the Republic of Moldova).

The case concerned the enforcement of Mr V.P.'s parental rights and the return of his 6-year-old son, who had been abducted from Moldova to Russia by the boy's mother.

In August 2008 divorce proceedings were initiated in Moldova by Mr V.P.'s wife who then left the country with their son and settled in Russia while the custody proceedings concerning the child were still pending. On 28 October 2009, by a judgment of the Rîșcani District Court of Chisinau, custody was awarded to Mr V.P. in Moldova. This decision was upheld by the Supreme Court of Justice on 19 May 2010. After Mr V.P. tried for one year to have this decision enforced in Russia, the Moscow

City Court finally issued an execution warrant in August 2011. Russian bailiffs refused however to enforce it on the grounds that the Moldovan judgment of 28 October 2009 did not require any concrete measures to be taken.

Mr V.P. complained that the failure of the Russian authorities to enforce the Moldovan judgment, awarding him custody in respect of his son, had breached his right to family life under Article 8 (right to respect for private and family life).

Violation of Article 8 – on account of the authorities’ lack of diligence in enforcing the Rîșcani District Court’s judgment in Russia

Just satisfaction: EUR 7,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Stojanovski and Others v. “The former Yugoslav Republic of Macedonia” (no. 14174/09)

The applicants, Krume Stojanovski, Branislav Janevski, and Silvana Janevska, are Macedonian nationals who were born in 1943, 1937, and 1965 respectively and live in Skopje.

The case concerned restitution proceedings in which the applicants had unsuccessfully claimed for a part of a plot of land – that had been confiscated from their late predecessor – to be restored to them. The authorities found that the land had been developed and could not therefore be returned to them. The Restitution Commission refused to grant the applicants’ claim and instead awarded them compensation in State bonds.

The applicants complained that the refusal of their claim had violated their rights under Article 1 of Protocol No. 1 (protection of property) to the Convention.

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 3,000 to each applicant (non-pecuniary damage). The Court further held that the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision as far as pecuniary damage was concerned and reserved it for examination at a later date.

Vintman v. Ukraine (no. 28403/05)

The applicant, Yevgeniy Vintman, is a Ukrainian national who was born in 1968 and is currently serving a 15-year prison sentence in the Lviv region (Ukraine) for murder.

The case mainly concerned the authorities’ repeated rejections of Mr Vintman’s requests for a transfer to a prison closer to his home in Zaporizhzhya, on the ground that convicted prisoners had to serve their entire sentence in the same prison and that persons convicted of aggravated murder were usually detained in prisons located outside the region in which the crime had been committed. Since December 2009, Mr Vintman has been held in a maximum-security prison located in the Lviv region which is even further from his home address (1 000 kilometres) than the first prison in which he was detained (in Vinnytsya). As a result he has been denied virtually any personal contact with his elderly and ill mother for many years.

Relying in particular on Article 8 (right to respect for private and family life, the home and the correspondence) and Article 13 (right to an effective remedy), Mr Vintman alleged that the authorities’ failure to consider his arguments about his mother being unfit for long-distance travel, when refusing his requests for a transfer closer to home, had been unlawful and unfair and that he had had no effective remedy in respect of this complaint. He also complained that the prison administration in Vinnytsya had monitored and occasionally withheld his correspondence.

Violation of Article 8 – on account of the applicant’s inability to obtain a transfer to a prison closer to his home

Violation of Article 13 in conjunction with Article 8 – on account of the applicant’s inability to obtain a transfer to a prison closer to his home

Violation of Article 8 – on account of the monitoring of the applicant’s correspondence in Vinnytsya Prison

Just satisfaction: EUR 12,000 (non-pecuniary damage) and EUR 2,556 (costs and expenses)

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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.