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

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Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 84 judgments and / or decisions on Thursday 16 July 2015.

*Press releases and texts of the judgments and decisions will be available at **10 a.m.** (local time) on the Court's Internet site (www.echr.coe.int)*

Thursday 16 July 2015

Kuttner v. Austria (application no. 7997/08)

The applicant, Franz Kuttner, is an Austrian national who was born in 1950 and lives in Traun (Austria).

The case essentially concerns his complaint about the delay in dealing with his application for release from a psychiatric institution after having been sentenced to imprisonment.

Mr Kuttner was convicted of having deliberately caused severe bodily harm to his 80-year-old mother and sentenced to six years' imprisonment in January 2005 by a regional court. Since the court found – relying on a report by a psychiatric expert – that he suffered from a grave mental disorder and represented a danger to the public, he was subsequently placed in an institution for mentally-ill offenders. A request by Mr Kuttner to be conditionally released from the institution was dismissed in 2006. In a second set of proceedings concerning his request to be released from the institution, the regional court relied on a fresh expert opinion, which found that there was still a risk he would commit acts of violence, and ordered his continued detention in the institution. His appeal against that decision was dismissed in September 2007. In a third set of proceedings the regional court, in September 2009, eventually ordered the termination of his detention in the institution, suspended the remaining months of his prison sentence and released him subject to a number of conditions.

Relying on Article 5 §§ 1 and 4 (right to liberty and security / right to have lawfulness of detention decided speedily by a court), Mr Kuttner complains that the length of the proceedings concerning his second request to be released was unreasonable. He also relies on Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses) of the European Convention on Human Rights.

Kerimli v. Azerbaijan (no. 3967/09)

The applicant, Ali Amirhuseyn oglu Kerimli, is an Azerbaijani national who was born in 1965 and lives in Baku. He is an opposition politician and chairman of the reformist wing of the Azerbaijan Popular Front Party.

The case concerns the refusal to renew Mr Kerimli's international passport.

In June 2006, on applying for a new passport, Mr Kerimli was informed that his application had been rejected on the ground that there were criminal proceedings pending against him. After inquiring with the Baku police, he discovered that criminal proceedings brought against him in 1994 for illegal possession of a hand grenade – following his arrest at a demonstration organised by his political party – had been suspended in 1995 and never discontinued. He subsequently repeatedly brought the matter to the attention of the prosecuting authorities and the domestic courts, arguing that the

criminal charges against him had become time-barred in 1999 and that the proceedings should have thus been discontinued. In May 2008, the Nasimi District Court found that the domestic courts did not have competence to examine complaints against the prosecuting authorities' failure to discontinue the proceedings against Mr Kerimli. This decision was ultimately upheld by the Baku Court of Appeal in July 2008. As the criminal proceedings have still not been discontinued, Mr Kerimli has remained without a passport since June 2006.

Mr Kerimli complains that the refusal to issue him with a passport infringes his freedom of movement under Article 2 § 2 of Protocol No. 4 (freedom of movement) to the European Convention. He alleges in particular that the authorities' refusal to issue him with a new passport on the ground that he might remain abroad to escape prosecution was groundless: notably, he has travelled abroad since the criminal proceedings against him in 1994 and prior to the refusal in 2006 using both regular and diplomatic passports and has always returned to Azerbaijan.

Ghedir and Others v. France (no. 20579/12)

The applicants are two French nationals, Abdelkader Ghedir and Houcine Ghedir, and two Algerian nationals, Abbas Ghedir and Fatiha Ghedir, who were born in 1983, 1985, 1937 and 1947 respectively. They live in Villepinte (France), with the exception of Houcine Ghedir, who lives in Drancy (France). Houcine Ghedir, Abbas Ghedir and Fatiha Ghedir are the brother, father and mother respectively of Abdelkader Ghedir.

The case concerns Abdelkader Ghedir's arrest by security officers of the SNCF (the French national railway company).

Abdelkader Ghedir was stopped and questioned on the evening of 30 November 2004 at Mitry-Villeparisis station by officers of the SNCF's general security service ("SUGE") who wrongly suspected him of throwing stones at trains. Five SUGE officers, and in particular officers L.P., Y.F. and O.D.B., arrested him, forcing him to the ground and fastening his hands behind his back with handcuffs before frisking him. He was then taken to the local police station. On his arrival in the cells he lost consciousness and fell into a coma. He was taken to hospital and was subsequently declared to have a 95% permanent partial disability (inability to perform basic everyday tasks independently).

On the evening of 30 November 2004 an investigation was opened under the *flagrante delicto* procedure[1]. When questioned, L.P., Y.F. and O.D.B. described a standard arrest operation, whereas the police officers who had been present described the operation as "robust". Some of the police officers said they had seen the SUGE officer Y.F. kneeing Abdelkader Ghedir in the face while he was pinned to the ground. On 3 December 2004 the Meaux public prosecutor requested the opening of a judicial investigation concerning L.P., Y.F. and O.D.B. Four expert reports were included in the file and a reconstruction of the events was held on 23 November 2007.

On 15 February 2010 the investigating judge of the Meaux *tribunal de grande instance* discontinued the proceedings. In a judgment of 3 September 2010 the Investigation Division of the Paris Court of Appeal dismissed an appeal by the applicants. It found that Abdelkader Ghedir had displayed violent behaviour but also that the SUGE operation had most likely been more robust than the SUGE officers' description suggested. The Investigation Division concluded that uncertainty remained as to whether Y.F. had actually kneed Abdelkader Ghedir and, if so, whether he had done so deliberately. It observed that it appeared plausible that he had had a previous injury that had taken time to manifest itself. The Investigation Division concluded that the investigation had not yielded sufficient evidence to charge anyone with an offence.

[1] An investigation under the *flagrante delicto* procedure is carried out by the police into an offence that is in the process of being committed or has just been committed. The police powers in the context of an investigation under the *flagrante delicto* procedure are broader than those in the preliminary investigation, owing to the finding of a disturbance of public order and the immediacy of the offence.

On 27 September 2011 the Court of Cassation dismissed an appeal on points of law by the applicants.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), the applicants complain of the conditions in which Abdelkader Ghedir was arrested. They further allege that the decision to discontinue the proceedings, in so far as it reproduced in identical terms the prosecutor's final submissions, amounted to a violation of Article 6 (right to a fair trial).

Gazsó v. Hungary (no. 48322/12)

The applicant, György Gazsó, is a Hungarian national who was born in 1963 and lives in the village of Telki (Hungary).

The case concerns Mr Gazsó's complaint about the excessive length of litigation in a labour dispute.

Between February 2002 and May 2005, Mr Gazsó was in litigation with his former employer, resulting in the latter eventually being obliged to re-employ him. Mr Gazsó did not accept the position that was offered to him and new litigation started in January 2006. Ultimately, in February 2012 the courts found for Mr Gazsó's former employer.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy), Mr Gazsó alleges that the length – more than six years – of the proceedings concerning his re-employment was excessive and that he had no effective remedy available to him to accelerate the proceedings.

The case was communicated to the Hungarian Government for observations on 13 November 2014. The parties were also invited to express their views on whether the case revealed a systemic problem of excessive length of proceedings in Hungary and whether the case would be suitable for the Court's pilot-judgment procedure under Article 46 (binding force and execution of judgments).

Gégény v. Hungary (no. 44753/12)

The applicant, János Gégény, is a Hungarian national who was born in 1966 and is currently serving a long term of imprisonment in Hungary.

The case concerns Mr Gégény's complaint about the inadequate conditions of his detention for the last 13 years in different prison facilities. Notably, he started to serve his prison sentence in Szeged Prison in October 2001, was transferred in January 2006 to Budapest Prison and then to Sátoraljaújhely Prison where he is currently being detained. He complains in particular about overcrowding in these prisons, combined with poor sanitary facilities and scarce opportunity for time out of his cell.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), he alleges that such conditions of detention are inhuman and degrading and that he has no effective remedy available to him with which to complain.

Akinnibosun v. Italy (no. 9056/14)

The applicant, Eyitope Akinnibosun, is a Nigerian national who was born in 1979 and lives in Lecce (Italy).

The case concerns the decision to place his daughter in the care of social services and her subsequent adoption by a foster family.

Mr Akinnibosun arrived in Italy in 2008, having travelled by boat with his two-year-old daughter from Libya, where he had been living with his wife and two children. On their arrival they were placed in a refugee reception centre in Trepuzzi, where Mr Akinnibosun's daughter was monitored by social services. The report issued by social services in April 2009 described a child in distress and a

difficult relationship between her and her father. According to the psychiatrist who met the child in 2008, she was suffering from post-traumatic stress disorder and felt that she had been abandoned.

In 2009 Mr Akinnibosun was arrested and placed in detention on suspicion of conspiring in the trafficking of irregular migrants. His daughter was moved to a children's home. In 2010 the Lecce Family Court ("the Family Court") suspended his parental responsibility and placed the child with a foster family in order to provide her with a stable environment, since she was traumatised and used to wake up crying during the night. In 2011 Mr Akinnibosun was acquitted and released, and requested contact rights with his daughter. The Family Court granted the request and a first meeting took place on 30 July 2012. Social services submitted a report shortly afterwards according to which the child had been tense during the meeting, recalling in particular the sea crossing and the fact that her father had not taken care of her. In 2013 the Family Court and the Lecce Court of Appeal suspended Mr Akinnibosun's contact rights on the ground that he was not materially or emotionally capable of taking care of his daughter. The courts noted that, according to a social services report, the child's foster family had said that she had been very agitated following the meeting of 30 July 2012 and had been distressed at the prospect of seeing her father again.

In September 2013 and January 2014 Mr Akinnibosun wrote two letters to his daughter saying that he was thinking about her and was looking for work.

On 23 January 2014 the Family Court, taking the view that the child had been abandoned since her father could not take care of her, decided to declare her eligible for adoption. The Court of Appeal, basing its decision on the reports by social services and on the meeting of 30 July 2012, upheld that ruling, finding in particular that Mr Akinnibosun had not shown that he had taken his child's interests into consideration. The court further found that Mr Akinnibosun had an authoritarian attitude and a difficult relationship with his daughter. Although he had found a stable job and somewhere to live, the family bond was still lacking, in view of the fact that the child's state of mind had worsened each time her biological father was mentioned and also on the only occasion when they had met.

Relying on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination), Mr Akinnibosun complains that the authorities did not take the appropriate steps to enable him to maintain any ties with his daughter. He contends that they merely took note of his financial and social difficulties, without helping him to overcome them.

Ciprian Vlăduț and Ioan Florin Pop v. Romania (nos. 43490/07 and 44304/07)

The applicants, Ciprian Vlăduț Pop and Ioan Florin Pop, are Romanian nationals who were born in 1982 and 1974 respectively and live in Tautii Magheraus (Romania). They are brothers.

Their case concerns an allegation of police entrapment and inadequate conditions of detention.

Following a police undercover operation in December 2004, involving telephone tapping, the brothers were arrested for offering ecstasy tablets to an undercover police officer. The brothers were committed for trial on drug trafficking charges and were subsequently convicted as charged in November 2005: Ciprian was sentenced to seven years and six months' imprisonment and Ioan to three years and six months' imprisonment. Their conviction was mainly based on the police reports from the undercover operation, transcripts of intercepted telephone calls and witness statements by two taxi drivers who transported the undercover police agents to the arranged place for the drug deal. In the ensuing appeal proceedings the brothers complained in particular that they were not given access to the telephone transcripts and that the undercover police operation had only started from the suspicion that Ciprian was a drug user, not dealer. Their complaints were dismissed at first and second instance and, ultimately, their appeal on points of law was dismissed in a final decision of March 2007.

Relying on Article 6 § 1 (right to a fair trial), the brothers allege that the criminal proceedings against them and their ensuing convictions were unfair. They argue that they had not been involved in drug

trafficking prior to 2004 and that, were it not for the undercover police officer's insistence, Ciprian would not have procured and sold the drugs and his brother would not have felt compelled to help his brother out with the deal. They also allege that they were given no opportunity to question the undercover agent during the proceedings, despite his reports being the main basis for their convictions.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Ioan complains about overcrowding in various facilities between his arrest in December 2004 and until his release in May 2007, alleging that such conditions had resulted in him making two suicide attempts.

Samachișă v. Romania (no. 57467/10)

The applicant, Liviu Samachișă, is an American and Romanian national who was born in 1956 and lives in Fălticeni (Romania).

The case concerns his allegation that he was assaulted by the police.

Mr Samachișă alleges that he was assaulted by the police on 31 July 2008 when, having visited a friend in Galaţi, he returned to his car to find it surrounded by three police cars and a group of officers. The officers apparently thought that his car had been involved in an accident which had injured some pedestrians. He alleges in particular that the police officers violently grabbed and handcuffed him and then, on the way to the police station, continued to punch him until he fainted. Released on the same day, he went to Galaţi hospital's emergency unit where he was diagnosed with scratches and bruises to his arms, neck and clavicle, severe thorax contusion and a cranio-cerebral trauma. The hospital's dental emergency unit also diagnosed him with a contusion in the chin area as a result of a blow.

According to the Government, Mr Samachișă had been caught speeding by the police but refused to stop his car. When the police finally caught up with him, he was aggressive both verbally and physically and refused to show his identity papers. Given his resistance, the officers had had to use force to take him to the police station.

Shortly after the incident, Mr Samachișă brought criminal proceedings against the police officers involved in the incident for violent behaviour. The prosecuting authorities discontinued the proceedings in February 2009, finding that the officers had not committed any offence as they had had to use force to immobilise Mr Samachișă. That conclusion was based on the police officers' statements, corroborated by eye-witnesses. That decision was upheld in the ensuing court proceedings and his appeal on points of law was dismissed in a final judgment of February 2010.

Mr Samachișă alleges that the police officers' violent reaction was unjustified and complains that the ensuing criminal investigation was superficial and ineffective, failing to identify the police officers who had assaulted him. The case will be examined under Article 3 (prohibition of inhuman or degrading treatment).

Samoilă v. Romania (no. 19994/04)

The applicant, Gheorghe Samoilă, is a Romanian national who was born in 1930 and lives in Constanţa (Romania). He is retired and held a savings account with the Romanian People's Bank and Credit Cooperative, which subsequently went into liquidation.

The case concerns Mr Samoilă's alleged lack of access to a court in the context of the proceedings to wind up the Romanian People's Bank and Credit Cooperative (hereafter "the debtor company").

In 2002 Mr Samoilă brought a court action for repayment of the amount owed to him by the debtor company. The Romanian courts dismissed his claims for failure to pay the stamp duty. Mr Samoilă and the company's other creditors had been informed on radio and television and in the national press of the need to lodge their statements of claim and of the corresponding formalities, as the

liquidator had maintained that it was impossible to notify each of the 60 thousand or so creditors individually, most of whom were small individual savers.

Relying on Article 6 § 1 (right of access to a court), Mr Samoilă complains of the means of notification used which, he argues, did not grant him effective access to the information needed in order to participate in the proceedings and be informed of the time-limits for payment of the stamp duty and for lodging an appeal. He further contends that the final judgment of the Bucharest Court of Appeal of 5 November 2004 infringed his right of access to a court in connection with his appeal. That decision referred only to twelve companies as having lodged the appeal, and made no mention of Mr Samoilă as a party to the proceedings. Mr Samoilă also complains of being prevented from obtaining repayment of the sum owed to him, in breach of Article 1 of Protocol No. 1 (protection of property).

Sanatkar v. Romania (no. 74721/12)

The applicant, Hakan Sanatkar, is a Turkish national who was born in 1959 and lives in Dobroieşti, in Ilfov County (Romania).

The case concerns his conditions of detention and the practice of his religion in prison.

In 1998 the applicant was sentenced to seven years' imprisonment for attempted murder. He served his sentence in several Romanian prisons. However, his application relates only to the conditions of detention in Giurgiu Prison (from 29 September 2011 to 4 February 2013) and Bucharest-Jilava Prison (from 4 February 2013 to 23 March 2014).

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Sanatkar complains of overcrowding in these prisons. In particular, in Bucharest-Jilava Prison, 38 prisoners allegedly shared a 45 sq. m cell that was fitted out with triple bunk beds. Under Article 9 (freedom of thought, conscience and religion) the applicant, who is a Muslim, alleges that because of the overcrowding he was unable to spread out his prayer mat in the cell. He also contends that he requested meals that were compatible with the requirements of his religion but received no response.

Aleksey Borisov v. Russia (no. 12008/06)

The applicant, Aleksey Borisov, is a Russian national who was born in 1974. He is currently in Prison No. 1 in the city of Voronezh, in the Voronezh region of Russia. In 2007 he was sentenced to 17 years' imprisonment for banditry.

The case concerns in particular his allegations of ill-treatment by police officers during a search of his home.

The search took place on 20 April 2004 in the context of a criminal investigation concerning Mr Borisov for banditry. Following the search Mr Borisov jumped out the window of his flat in order, according to his account, to put an end to the suffering to which the police officers had subjected him during the search; the Government claimed that he had sought to escape. Mr Borisov alleged, among other things, that he had been kicked, punched and struck with rifle butts in the body, head and genitals.

After jumping out the window Mr Borisov, having sustained multiple fractures, was admitted to hospital, where he was kept in handcuffs and under permanent police guard. He remained in hospital until he was remanded in custody on 23 April 2004. On 24 April 2004 his lawyer requested a forensic medical examination. This was initially refused but was subsequently carried out on 7 May 2004. According to the medical report, two types of injuries were found on Mr Borisov's body, some of which resulted from his fall from his fourth-floor flat, while the others could have been caused either by the fall or by blows administered with a blunt object.

On 25 June 2004 the proceedings concerning Mr Borisov's allegations of ill-treatment were discontinued by the Voronezh deputy prosecutor on the ground that no offence had been committed. The prosecutor found that he had violently resisted arrest and that the police officers had acted lawfully. Mr Borisov lodged an appeal on points of law which was dismissed on 13 September 2005 on the ground that there was insufficient evidence in the file to open a criminal investigation.

In 2007 a further complaint made by Mr Borisov to the military authorities was rejected. The military courts found that his injuries had been self-inflicted, being caused by his jumping out the window. In 2010 Mr Borisov sought to have a criminal investigation opened into his detention from 20 to 23 April 2004, but a decision was taken not to prosecute.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 § 1 (right to liberty and security), Mr Borisov alleges that he was subjected to ill-treatment during the search of his home and complains of his detention between 20 and 23 April 2004, in so far as he was unable to move around freely during the search and was handcuffed and kept under guard in hospital.

Nazarenko v. Russia (no. 39438/13)

The applicant, Anatoliy Nazarenko, is a Russian national who was born in 1965 and lives in Ulan-Ude (Republic of Buryatia, Russia).

The case concerns Mr Nazarenko's exclusion from his daughter's life when, it being revealed that he was not the biological father, his paternity was terminated.

During their marriage, Mr Nazarenko and his wife had a daughter, A., born in 2007. The couple later divorced in 2010 and Mr Nazarenko enjoyed shared custody of the child. Court proceedings ensued in which both parties made applications for their daughter to reside with them. From March 2011 Mr Nazarenko refused – despite court decisions ordering that the child should reside with the mother – to return his daughter to the mother, suspecting the latter's new partner of child abuse. A year later the mother kidnapped A. from Mr Nazarenko and has since prevented him from seeing his daughter. The criminal proceedings into alleged mistreatment and sexual abuse of A. were discontinued in April 2013 due to lack of evidence.

In the meantime, the mother contested Mr Nazarenko's paternity of the child and in July 2012 it was established that he was not the child's biological father. Thus, in September 2012 the Oktyabrskiy District Court terminated Mr Nazarenko's paternity of A. This decision was upheld on appeal by the Supreme Court in February 2013. As a result, although it was accepted that Mr Nazarenko had raised and cared for the child over a period of five years, he lost all parental rights, including the right to maintain contact with her. Furthermore, his name was removed from the child's birth certificate and the child's family name had to be changed.

Relying on Article 8 (right to respect for private and family life), Mr Nazarenko complains about the termination of his paternity, alleging that this has deprived him of contact with his daughter and the ability to defend her interests in court. Also relying on Article 6 § 1 (right to a fair hearing / access to court) and Article 13 (right to an effective remedy), he complains in particular that he was not informed of the appeal hearing of February 2013 on his case.

Shumikhin v. Russia (no. 7848/06)

The applicant, Aleksandr Shumikhin, is a Russian national who was born in 1963. He is currently serving a prison sentence in a correctional colony in the Yamalo-Nenetskiy Autonomous region.

The case concerns the appeal proceedings in a criminal case against him.

Mr Shumikhin was convicted of murder and sentenced to life imprisonment in June 2005. Before the first-instance court he was represented by state-appointed counsel. Mr Shumikhin subsequently

appealed against his conviction to the Supreme Court, requesting the court to appoint legal counsel to represent him. According to the Russian Government, his request was not received by the court. In November 2005 the Supreme Court examined his appeal while he was not assisted by counsel. It modified the legal classification of his offence but did not change his sentence.

Relying on Article 6 § 1 (right to a fair trial) in conjunction with Article 6 § 3 (c) (right to legal assistance of own choosing), Mr Shumikhin complains that he was not provided with free legal assistance in the appeal proceedings.

Maslák and Others v. Slovakia (no. 11037/12)

The applicants, Miroslav Maslák, Tomáš Ďuriš, and Vladimír Haviar, are Slovak nationals who were born in 1979, 1984, and 1983 respectively and live in Pružina (Slovakia).

The case concerns their complaint of having been denied a speedy review of the lawfulness of their pre-trial detention and an enforceable right to compensation in that respect.

All three applicants were arrested on charges of perjury and placed in detention on remand in April 2010. In April 2011 they were released, but immediately re-arrested on charges of extortion. In November 2011 they were released, the criminal proceedings are still pending.

During the first period of their detention on remand, all three applicants requested on two occasions – in May and December 2010 – to be released. The requests were dismissed, the relevant decisions eventually being upheld by the Constitutional Court in June and November 2011 respectively. In addition, all three applicants unsuccessfully challenged their remand of April 2011, the final decision being given by the Constitutional Court in December 2011.

Relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), the applicants complain that the lawfulness of their detention was not speedily reviewed. They further complain, under Article 5 § 5 (right to compensation for unlawful detention), that they have been denied an enforceable right to compensation in respect of the violation of their rights under Article 5 § 4.

D.Y.S. v. Turkey (no. 49640/07)

The applicant, D.Y.S., is a Turkish national who was born in 1938 and lives in Istanbul.

The case concerns the fairness of a set of criminal proceedings before the Court of Cassation.

On 12 September 2001 the applicant and four other individuals were charged with causing death through carelessness and negligence when a patient died from the effects of an operation carried out in the private hospital of which the applicant was the director and senior doctor. In 2006 the applicant was sentenced to one year and six months' imprisonment and ordered to pay a fine of 68 Turkish liras. He lodged an appeal on points of law and was represented in the proceedings by the lawyers K. Ersoylu, Z. Bayraktar and M. Aslan. In his opinion on the appeal, the Principal Public Prosecutor at the Court of Cassation recommended that the first-instance judgment be upheld. That opinion was notified to the lawyers of some of the accused, including Mr M. Altun. On 16 May 2007 the Court of Cassation upheld the decision complained of. The applicant's lawyers then lodged a request for rectification with the Principal Public Prosecutor at the Court of Cassation, arguing in particular that the prosecutor's opinion on the appeal had not been notified to them. Their request was rejected on the ground that Mr Altun had been notified of the opinion in question. The Principal Public Prosecutor had believed Mr Altun to be one of the applicant's lawyers, as a joint authority to act had been drawn up in Mr Altun's name on 19 February 2001 with a view to the representation of several individuals and legal entities – including the applicant – who planned to set up a health care company.

Relying on Article 6 § 1 (right to a fair trial), the applicant complains that he was not informed of the opinion of the Principal Public Prosecutor in the proceedings before the Court of Cassation. He also complains of the approach adopted by the Turkish courts, the manner in which the evidence was assessed, the fact that certain statutory provisions on the reduction of sentences were not applied in his case, and the lack of reasoning of the Turkish courts' decisions.

Mamchur v. Ukraine (no. 10383/09)

The applicant, Aleksandr Mamchur, is a Ukrainian national who was born in 1954 and lives in Chernigiv (Ukraine).

The case concerns an access and custody dispute in respect of his daughter.

In 2005 Mr Mamchur's wife, who was suffering from cancer, moved out of his flat with their daughter A.M., born in 2002, and subsequently lived with her mother, V.K. Following his wife's death in June 2006, Mr Mamchur's mother-in-law took A.M. away from the town where he lived without informing him. She subsequently lodged a request to be appointed as A.M.'s tutor, which was granted by the district council in December 2006. The decision noted in particular that Mr Mamchur, because of a walking disability, was unable to take care of the child's upbringing.

Mr Mamchur brought court proceedings in 2007 seeking his daughter's return. His claim was rejected in a court decision eventually upheld by the Supreme Court in September 2008. In a separate set of proceedings he sought to have the decision granting tutelage to his mother-in-law annulled. His request was rejected in a decision eventually upheld by the Supreme Court in January 2009.

Relying in particular on Article 8 (right to respect for private and family life) taken alone and in conjunction with Article 14 (prohibition of discrimination), Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), Mr Mamchur complains in particular that the authorities failed to protect his parental rights and that he was discriminated against on the basis of his gender and his disability.

Temchenko v. Ukraine (no. 30579/10)

The applicant, Anatoliy Temchenko, is a Ukrainian national who was born in 1942 and lives in Kryvyy Rig (Ukraine).

The case concerns his pre-trial detention.

Mr Temchenko was arrested and placed in pre-trial detention in September 2009 on charges of having received bribes in his capacity as university rector. His detention was subsequently extended and his repeated requests for release were rejected. In May 2011 he was convicted of bribery and sentenced to five years and two months' imprisonment. On appeal the sentence was modified in October 2011 to five years' imprisonment, suspended, and he was released.

Suffering from a number of health problems, including heart disease, pancreatitis and diabetes, Mr Temchenko maintains that during his detention his check-ups were not carried out at reasonable intervals and that his treatment lacked consistency, with the result that his health deteriorated during the detention.

Relying in substance on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Temchenko complains that he was not provided with adequate medical treatment during his detention and that he did not have an effective remedy in that respect. Relying on Article 5 § 1 (c) (right to liberty and security), he complains that between 29 January and 9 March 2010 his detention was not covered by any court decision and that from 9 March 2010 until his conviction on 23 May 2011 his detention was unlawful because the relevant court decision did not indicate any reasons or fixed any time-limits for his detention. He further complains that the

overall length of his pre-trial detention was unjustified, that the time taken to consider one of his requests for release was excessive and that he had no effective remedy at national in respect of those complaints, relying on Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial), Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) and Article 5 § 5 (right to compensation). He also alleges a violation of Article 8 (right to respect for private life) on account of his medical treatment in prison. Finally, he maintains that there was a breach of Article 34 (right of individual petition) as the Ukrainian Government had not complied with an interim measure by the European Court of Human Rights (under Rule 39 of its Rules of Court) indicating to the Government to ensure his treatment in a specialised institution.

Nicklinson and Lamb v. the United Kingdom (nos. 2478/15 and 1787/15)

The case concerns the ban under UK law on assisted suicide and voluntary euthanasia.

The first applicant is Jane Nicklinson, a British national who was born in 1955 and lives in Melksham (England). She is the wife of Tony Nicklinson, now deceased, who suffered locked-in syndrome following a stroke. The second applicant is Paul Lamb, a British national, who was born in 1955 and was paralysed following a car accident. His condition is irreversible.

Both men wish/ed to end their lives but are/were unable to commit suicide without assistance. Mr Nicklinson commenced proceedings in the High Court in November 2011 challenging the law on the ground that it was in breach of his rights under the European Convention on Human Rights. Mr Lamb was joined to the proceedings when they were pending before the Court of Appeal, after Mr Nicklinson's death in August 2012. Mr Nicklinson's wife was also granted the right to pursue the proceedings in her own name and on behalf of her husband. The domestic courts ultimately dismissed the claim in June 2014.

Ms Nicklinson complains under Article 8 (right to respect for private and family life) that the domestic courts failed to determine the compatibility of the law in the UK on assisted suicide with her and her husband's right to respect for private and family life; and Mr Lamb complains that his rights under Articles 6 (right to a fair hearing /access to court), 8, 13 (right to an effective remedy) and 14 (prohibition of discrimination) were infringed by the failure to provide him with the opportunity to obtain court permission to allow a volunteer to administer lethal drugs to him with his consent.

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database HUDOC.

They will not appear in the press release issued on that day.

Metalla and Others v. Albania (nos. 30264/08, 42120/08, 54403/08, and 54411/08)
Fuchshuber v. Austria (no. 11781/13)
Terzieva and Avramova v. Bulgaria (no. 7456/06)
Loncar v. Croatia (no. 12744/13)
Vujcic v. Croatia (no. 22830/14)
Vuletic v. Croatia (no. 19256/13)
Tomic and Others v. Croatia (no. 5569/12)
Bulia and Kvinikadze v. Georgia (no. 5609/08)
Lanchava v. Georgia (no. 28103/11)
Alexiou v. Greece (no. 47008/12)
Basi v. Greece (no. 45752/11)
Chazaryan and Others v. Greece (no. 76951/12)
Erribki v. Greece (no. 59658/11)
Kodra and Others v. Greece (no. 72101/13)

Kyrou v. Greece (no. 61939/14)
Mamalis v. Greece (no. 73295/13)
Maraggos v. Greece (no. 58989/13)
Mehdi v. Greece (no. 4800/13)
Mintelis and Bournakas v. Greece (nos. 74144/10 and 74148/10)
Mochlos S.A. and Others v. Greece (nos. 54561/10, 3886/11, 4256/11, 4333/11, 17528/11, 20624/11, 42769/11, 49348/11, 51387/11, 52330/11, and 12787/12)
Mubsher v. Greece (no. 62179/14)
Michael and Alexander Odicho v. Greece (nos. 4009/13 and 4773/13)
Panagoulias v. Greece (no. 56511/13)
Papadopoulou and Others v. Greece (nos. 45793/11, 5522/12, 21570/12, 21637/12, and 21640/12)
Papagiannopoulos v. Greece (no. 5601/11)
Peidis v. Greece (no. 728/13)
Petrov v. Greece (no. 54490/13)
Psyrris and Others v. Greece (nos. 58668/10, 25580/11, 29331/11, 31575/11, 60489/11, 60548/11, 61550/11, 66570/11, 71869/11, 74774/11, and 35163/13)
Skoumbourdis v. Greece (no. 35544/12)
Stavrakakis v. Greece (no. 67002/10)
Sveronopoulos and Others v. Greece (no. 44726/09)
Tsalkitzis and Tsalkitzi v. Greece (no. 31365/12)
Valianos v. Greece (no. 14833/13)
Xintaveloni and Others v. Greece (nos. 41014/10, 6733/11, 18881/11, 20322/11, 29709/11, 32586/11, 32396/13, and 52796/13)
Csorba v. Hungary (no. 944/12)
Falcon Privat Bank A.G. v. Italy (no. 48931/09)
Cutajar v. Malta (no. 55775/13)
Pancevski v. Montenegro (no. 53053/09)
Dziurkowski v. Poland (no. 25609/14)
Gruca v. Poland (no. 43325/10)
Luczak v. Poland (no. 24458/13)
Mazurkiewicz v. Poland (no. 70356/11)
Molenda v. Poland (no. 40229/11)
Niezgoda v. Poland (no. 42432/13)
Ratkowski v. Poland (no. 33779/14)
Battalova v. Russia (no. 11122/08)
Bolotiny v. Russia (no. 35786/04)
Grylev v. Russia (no. 41069/06)
Kaymashnikov v. Russia (no. 22862/05)
Malyugin and Others v. Russia (nos. 33338/07, 31022/09, 44958/09, 32616/10, 51727/10, 62744/10, 28926/11, 41070/11, 35772/13, and 46070/13)
Nikolay Kozlov v. Russia (no. 7531/05)
Suvorov and Others v. Russia (no. 38766/07)
Matic and Polonia DOO v. Serbia (no. 23001/08)
Jovičić v. Slovenia (no. 52045/13)
Klaric v. Slovenia (no. 10894/11)
Mitevski v. 'the former Yugoslav Republic of Macedonia' (no. 52840/09)
Bozbey and Others v. Turkey (nos. 18741/04, 48454/06, 20637/07, 28997/08, and 38848/08)
Demirci v. Turkey (no. 47430/06)
Kerincsiz v. Turkey (no. 59359/10)
Korkmaz and Others v. Turkey (nos. 5252/09, 5253/09, and 5255/09)
Oktay Yildirim v. Turkey (no. 697/10)

Şenyücel v. Turkey (no. 37601/02)
Uysal v. Turkey (no. 6629/10)
Kompaniya AMT, TOV v. Ukraine (no. 48105/08)
Kravchenko and Others v. Ukraine (nos. 6218/07, 1056/08, 11218/08, 14228/08, 48514/08, 50137/08, 20848/09, 60901/10, and 63464/12)
Zarichchya-BUD, TOV v. Ukraine (no. 18037/09)

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