

Press release issued by the Registrar
FORTHCOMING CHAMBER JUDGMENTS

20 and 22 April 2010

The European Court of Human Rights will be notifying in writing 20 Chamber judgments on Tuesday 20 April 2010 and 26 on Thursday 22 April 2010.

Press releases and texts of the judgments will be available at **11 a.m.** (local time) on the Court's Internet site (<http://www.echr.coe.int>).

Tuesday 20 April 2010

Laska v. Albania (application no. 12315/04)

The applicants, Vladimir Laska and Artur Lika, are Albanian nationals who were born in 1980 and are currently serving sentences of 13-years' imprisonment in Burrel Prison (Albania) for the armed robbery of a minibus. Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, the applicants allege that they were ill-treated during the police questioning about those offences in order to force them to confess. Further relying on Article 6 § 1 (right to a fair trial) of the Convention, they also allege that they were convicted on the strength of evidence (balaclavas supposedly used during the minibus robbery) from a blatantly irregular and unfair identification parade.

Villa v. Italy (no. 19675/06)

The applicant, Roberto Villa, is an Italian national who was born in 1963 and lives in Milan (Italy). As he had psychiatric problems and was deemed a danger to society, he was made subject from 2002 to 2005 to a security measure ("supervised liberty") which entailed restrictions on his freedom of movement. Relying, in particular, on Article 5 of the Convention (right to liberty and security) and Article 2 of Protocol No. 4 to the Convention (freedom of movement), he complains about that measure.

Novikas v. Lithuania (no. 45756/05)

The applicant, Andrejus Novikas, is a Lithuanian national who was born in 1977 and lives in Klaipėda (Lithuania). Convicted of burglary in January 2004, Mr Novikas complains in particular about the excessive length of the criminal proceedings against him. He relies on Article 6 § 1 (right to a fair trial within a reasonable time).

Brega v. Moldova (no. 52100/08)

The applicant, Ghenadie Brega, is a Moldovan national who was born in 1975 and lives in Pepeni (Moldova). He is a journalist. In May 2008 outside a Government building in Chişinău's main square he staged a silent protest about his brother's arrest and detention a few days' earlier. He was approached by police officers and arrested for disturbing public order; he filmed the encounter. The domestic courts subsequently acquitted him, upholding that his arrest and detention were based on false grounds as it could be seen from his video

that he had neither resisted arrest nor insulted the police officers. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the verbal and physical abuse to which he was subjected before being arrested and the poor conditions – including lack of medical assistance – of his subsequent detention. He also complains that his detention for 48 hours without any legal basis violated his rights under Article 5 § 1 (right to liberty and security), Article 11 (freedom of assembly and association) and 10 (freedom of expression).

Just satisfaction

Racu v. Moldova (no. 13136/07)

The applicant, Simion Racu, is a Moldovan national who was born in 1951 and lives in Chişinău. In a judgment of 28 July 2009, the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property) as a result of the non-enforcement of a final judgment awarding the applicant social housing and that the question of the application of Article 41 (just satisfaction) was not ready for decision. This question will be decided in the upcoming judgment on 20 April.

Krzysztofciak v. Poland (no. 38018/07)

The applicant, Marian Krzysztofciak, is a Polish national who was born in 1952 and lives in Gdynia (Poland). Relying on Article 5 § 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), Mr Krzysztofciak complains about the excessive length of his pre-trial detention as well as of the criminal proceedings – still pending – against him for drug-trafficking. He was released in June 2008 and placed under police supervision.

Z. v. Poland (no. 34694/06)

The applicant, Z., is a Polish national who was born in 1957 and lives in Bytom (Poland). The case concerns his complaint that, since his separation with his ex-wife in 2000, the Polish authorities have failed to enforce his visiting rights with his daughter, born in 1996. He relies in particular on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy).

Bălaşa v. Romania (no. 21143/02)

The applicant, Ion Bălaşa, is a Romanian national who was born in 1941 and lives in Piteşti (Romania). Following the fall of the communist regime he obtained a court order for the restitution of a plot of land, which was then set aside in 2001. Relying on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair hearing within a reasonable time), he complains of the setting-aside of the order following proceedings which, he claims, were conducted in breach of the principle of equality of arms and the adversarial principle.

Cărlan v. Romania (no. 34828/02)

The applicant, Dan Cărlan, is a Romanian national who was born in 1961 and lives in Iaşi (Romania). He was convicted of defamation after expressing vigorous criticism of the town's mayor in 1998 during a press conference organised by the applicant in his capacity as an opposition member of the municipal council. Relying on Articles 6 § 1 (right to a fair trial) and 10 (freedom of expression), he complains about his conviction.

C.B. v. Romania (no. 21207/03)

The applicant, C.B., is a Romanian national who was born in 1960 and lives in Bucharest. In 2002 criminal proceedings were brought against him for maliciously accusing a police officer. The applicant was acquitted. During the proceedings he was compulsorily detained for an expert psychiatric assessment on the orders of the public prosecutor. Relying on Article 5 (right to liberty and security), he complains about his detention. In addition, relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life), he complains about his arrest at his home at the start of the proceedings.

Slyusarev v. Russia (no. 60333/00)

The applicant, Vladimir Slyusarev, is a Russian national who was born in 1970 and lives in Moscow. Very short-sighted, Mr Slyusarev complains that his glasses were taken away from him shortly after his arrest in 1998 on suspicion of armed robbery and that – still in pre-trial detention – they were only returned to him five months later. He relies on Article 3 (prohibition of inhuman or degrading treatment).

Kin-Stib and Majkić v. Serbia (no. 12312/05)

The applicants are Kin-Stib, a limited liability company based in the Democratic Republic of Congo, and Milorad Majkić, a national of the State Union of Serbia and Montenegro at the time the application was lodged with the Court. The applicants complain about the partial non-enforcement of an arbitration award given in their favour in a dispute about a casino with the owner's of the Hotel Continental Belgrade. They rely on Article 1 of Protocol No. 1 (protection of property), Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy).

Bektaş and Özalp v. Turkey (no. 10036/03)

Özcan and Others v. Turkey (no. 18893/05)

Both cases concern the excessive use of force used against the applicants' close relatives during operations by the police (first case) and the military (second case). The applicants in the first case are two Turkish nationals, Kezban Bektaş, who was born in 1968 and lives in Adana, and Gülay Özalp, who was born in 1966 and lives in Hatay (Turkey). They complain about the killing of Murat Bektaş, aged 32, and Erdinç Arslan, aged 22, their husband and brother, respectively, during a police anti-terrorist raid on 5 October 1999 on the block of flats where the two men were living. The applicants in the second case are 16 Turkish nationals who allege that their close relative, Yılmaz Özcan, aged 42, was severely beaten and then shot in the back of his neck on 24 September 2000 by gendarmes who had come to the family home to arrest him. Relying on Article 2 (right to life), all the applicants complain that the use of force against their relatives was not necessary and that the ensuing investigations into their deaths were ineffective. In the case of ***Özcan and Others*** the applicants further complain about the ill-treatment to which their relative was subjected before his death, in breach of Article 3 (prohibition of inhuman or degrading treatment).

Adetoro v. United Kingdom (no. 46834/06)

The applicant, David Adetoro, is a British national who was born in 1972 and is currently serving a 22-year prison sentence in HMP Whitemoor (United Kingdom) for taking part in a series of robberies of security vehicles carrying cash. Relying on Article 6 § 1 (right to a fair trial), he alleges that the criminal proceedings against him were unfair as the trial judge's direction to the jury on the drawing of adverse inferences from his silence during police interview was deficient.

Repetitive cases

The following cases raise issues which have already been submitted to the Court.

Bek v. Turkey (no. 23522/05)

This case concerns in particular the domestic court's refusal to grant the applicant legal aid. He relies on Article 6 § 1 (right to a fair hearing), Article 13 (right to an effective remedy) and Article 1 of Protocol no. 1 (protection of property).

Oray v. Turkey (no. 37243/05)

This case concerns the delay by the authorities in enforcing a final decision awarding severance pay to the applicant. The application raises, in particular, an issue under Article 6 § 1 (right to a fair hearing).

Length-of-proceedings cases

In the following cases, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings.

Martinetti and Cavazzuti v. Italy (nos. 37947/02 and 39420/02)

Wiśniewska v. Poland (no. 42401/08)

Toader v. Romania (no. 25811/04)

Thursday 22 April 2010

Fatullayev v. Azerbaijan (no. 40984/07)

The applicant, Eynulla Emin oglu Fatullayev, is an Azerbaijani national who was born in 1976 and lives in Baku. He is the founder and chief editor of the newspapers *Gündəlik Azərbaycan* and *Realny Azerbaijan*, widely known for their harshly critical articles of the Government and various public officials. The case concerns Mr Fatullayev's two separate convictions for publishing two newspaper articles: the first in which he made statements about the 1992 Khojaly massacre during the Nagorno-Karabakh war; and, the second devoted to the possible consequences of Azerbaijan's support for a United Nations Security Council resolution calling for economic sanctions against Iran. He was sentenced to a total of eight and a half years' imprisonment for defamation, threat of terrorism and incitement to ethnic hostility. Relying on Article 10 (freedom of expression) and Article 6 § 1 (right to a fair trial), he complains in particular about those convictions and the unfairness of the criminal proceedings brought against him. He further complains about a statement made by the Prosecutor General to the press in May 2007 in which he stated that one of Mr Fatullayev's articles had contained a threat of terrorism, in breach of Article 6 § 2 (presumption of innocence).

Gulmammadova v. Azerbaijan (no. 38798/07)

Hasanov v. Azerbaijan (no. 50757/07)

The applicants, Sarvinaz Gulmammadova and Vekil Hasanov, are Azerbaijani nationals who were born in 1961 and 1960, respectively, and live in Baku. Holders of occupancy vouchers for flats in a recently constructed building in Baku currently occupied by internally displaced persons from regions under the control of Armenian military forces, they both complain about the non-enforcement of domestic court judgments which had ordered the occupants' eviction. They rely on Article 6 § 1 (right to a fair hearing), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property).

Kostov and Yankov v. Bulgaria (no. 1509/05)

The applicants, Asen Angelov Kostov and Hristo Yankov Yankov, are Bulgarian nationals who were born in 1961 and 1966 respectively and live in Stryama (Bulgaria). Charged with the theft of a car tyre in 1991 and acquitted by a final court decision in 2005, they complain that the length of the criminal proceedings against them was incompatible with Article 6 § 1 (right to a fair trial within a reasonable time). They further complain that they had no effective remedies in respect of the length of the proceedings, in violation of Article 13 (right to an effective remedy).

Radkov v. Bulgaria (no. 27795/03)

The applicant, Plamen Todorov Radkov, is a Bulgarian national who was born in 1972 and is currently detained in Bobov Dol Prison (Bulgaria). Sentenced to life imprisonment for murder, he complains that letters from his lawyer and from the Registry of the European Court of Human Rights which he received in prison were opened and read by the prison administration. He relies in particular on Article 8 (right to respect for correspondence).

Macready v. Czech Republic (nos. 4824/06 and 15512/08)

The applicant, Thomas Lawrence Macready, is an American national who was born in 1971 and lives in Georgetown (United States of America). In 2004, after he had filed a divorce petition, his wife left the family home in the United States for the Czech Republic, taking the couple's minor daughter with her. Relying, in particular, on Articles 6 § 1 (right to a fair hearing within a reasonable time) and 8 (right to respect for private and family life), Mr Macready complains about the proceedings he brought under the Hague Convention on the Civil Aspects of International Child Abduction seeking his daughter's return.

Chesne v. France (no. 29808/06)

The applicant, Mehdi Chesne, is a French national who was born in 1980 and lives in Paris. In 2004 he was convicted on appeal by the criminal courts for purchasing drugs. Two of the judges who convicted him had previously ruled on his continued pre-trial detention. Relying on Article 6 § 1 (right to a fair trial), the applicant contends that the reasons given for keeping him in pre-trial detention demonstrated that the judges in question were no longer impartial when it came to ruling on the merits of his case. He further alleges that the Court of Cassation did not give due consideration to this issue.

Haguenauer v. France (no. 34050/05)

The applicant, Evelyne Haguenauer, is a French national who was born in 1947 and lives in Ecully (France). At the material time, in 2002, she was a deputy mayor of Lyons. She was found civilly liable for publicly insulting a civil servant following remarks she made to a university lecturer during a demonstration at the Jean Moulin University of Lyons III. The remarks in question were made in connection with the racist and negationist positions supposedly defended by some of the university's teaching staff. Relying on Article 10 (freedom of expression), the applicant complains about the civil judgment against her.

Just satisfaction

Moon v. France (no. 39973/03)

The applicant, Timothy Moon, is a British national who was born in 1965 and lives in Otford (United Kingdom). In a judgment of 9 July 2009 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) account of a penalty imposed on the applicant for failing to declare a sum of money at the French-Swiss border, namely the confiscation of the part of the sum in excess of the declaration threshold together with a fine. The Court held that the question of the application of Article 41 (just satisfaction) was not ready for decision and reserved it. This question will be decided in the upcoming judgment on 22 April.

Athanasiadis v. Greece (no. 16282/08)

The applicant, Georgios Athanasiadis, is a Greek national who was born in 1970 and lives in Thessaloniki (Greece). As ordered by the courts, the State paid him compensation for the damage sustained as a result of errors committed in a military hospital which had been held medically liable. Relying on Article 6 § 1 of the Convention (right to a fair hearing within a reasonable time) and Article 1 of Protocol No. 1 (protection of property), the applicant complains of the failure to pay default interest on the sums in question in accordance with the court judgments. Under Article 6 § 1 he also complains about the length of the proceedings.

Kamvyssis v. Greece (no. 2735/08)

The applicant, Spyridon Kamvyssis, is a Greek national who was born in 1962 and lives in Athens. In 2003 he applied to the Supreme Administrative Court seeking the setting-aside of a decision revoking his appointment as an associate professor. Relying, in particular, on Article 6 § 1 (right to a fair hearing within a reasonable time), he complains that his application was rejected as being out of time despite the fact that he was not informed of the

impugned decision until the deadline for appealing against it had expired. He further alleges that the length of the proceedings was excessive.

Maggafinis v. Greece (no. 44046/07)

Sarantidis and Others v. Greece (no. 51446/07)

The applicant in the first case, Adam Maggafinis, is a Greek national who was born in 1958 and lives in Kavala (Greece). The applicants in the second case are 11 Greek nationals. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), they complain of the excessive length of the criminal proceedings instituted against them in 2000 and 2002 respectively, which are allegedly still pending.

Stefanou v. Greece (no. 2954/07)

The applicant, Theodoros Stefanou, is a Greek national of Roma origin, who was born in 1985 and lives in Athens. He complains that in 2001, at the age of 16, he was ill-treated by a police officer during a questioning as to whether or not he had been involved in a theft of which four of his friends were suspected. Relying on Article 3 (prohibition of inhuman or degrading treatment), he alleges that he suffered serious physical and mental harm and that no effective investigation was carried out into the events. He further complains, relying on Article 14 (prohibition of discrimination) and Article 6 § 1 (right to a fair trial within a reasonable time) that he suffered discrimination on the ground of his ethnic origin and that the length of the criminal proceedings following his complaint of ill-treatment was excessive.

Bik v. Russia (no. 26321/03)

The applicant, Aleksandr Bik, is a Russian national who was born in 1972 and lives in Moscow. Committed to a psychiatric hospital against his will for more than ten days in 2002, he complains in particular that his right to liberty under Article 5 § 1 (e) (right to liberty and security) was violated.

Goroshchenya v. Russia (no. 38711/03)

The applicant, Arkadiy Goroshchenya, is a Russian national who was born in 1967 and is currently detained in a correctional colony in Omsk (Russia). Sentenced to eleven years imprisonment for aggravated robbery, he complains of the poor conditions in two detention facilities in St Petersburg where he was kept before and after his first conviction for almost four and a half years altogether, in particular of overcrowding. He relies on Article 3 (prohibition of inhuman or degrading treatment). He further complains that his pre-trial detention and the criminal proceedings against him were unreasonably long, in violation of Article 5 § 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time).

Khatuyeva v. Russia (no. 12463/05)

Mutayeva v. Russia (no. 43418/06)

Tupchiyeva v. Russia (no. 37461/05)

These three cases concern the applicants' allegations that their close relatives were killed by Russian agents of the State in Chechnya, notably after detention and disappearance. They further complain that the domestic authorities failed to carry out an effective investigation into their allegations. They rely in particular on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security) and 13 (right to an effective remedy). Relying on Article 34 (right of individual petition), the applicant in the case of ***Khatuyeva*** also complains that she was subjected to threats in relation to her complaint to the Court.

Sevastyanov v. Russia (no. 37024/02)

The applicant, Pavel Sevastyanov, is a Russian national who was born in 1979 and is currently serving a prison sentence in the Ivanovo Region (Russia) for murder, robbery and destruction of property. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he complains of ill-treatment to which was allegedly subjected on several

occasions during the investigation of the case in 2000 and of the poor conditions of his short-term detention in a Moscow remand centre during appeal proceedings in 2002. Relying on Article 6 §§ 1 and 3 (right to a fair trial), he complains of various procedural defects in the criminal proceedings against him. He further complains under Article 34 (right of individual application) that a letter to him from the European Court of Human Rights was opened and inspected by prison staff and that there was a delay in handing it over to him.

Length-of-proceedings cases

In the following cases, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings. In the cases of **Praunsperger** and **Panoussi** the applicants also rely on Article 13 (right to an effective remedy).

Čiklič v. Croatia (no. 40033/07)

Kvartuč v. Croatia (No. 2) (no. 34830/07)

Praunsperger v. Croatia (no. 16553/08)

Flaris v. Greece (no. 54053/07)

Panoussi v. Greece (no. 33057/08)

Ilievski v. “the former Yugoslav Republic of Macedonia” (no. 35164/03)

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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.