

Press release issued by the Registrar

FORTHCOMING CHAMBER JUDGMENTS

30 March and 1 April 2010

The European Court of Human Rights will be notifying in writing 16 Chamber judgments on Tuesday 30 March 2010 and 23 on Thursday 1 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 30 March 2010

Poncelet v. Belgium (application no. 44418/07)

The applicant, Jean Poncelet, is a Belgian national who was born in 1952 and lives in Herstal (Belgium). In 2005 he was prosecuted for various offences he was alleged to have committed in his capacity as a senior civil servant, in relation to the award of public procurement contracts. Relying on Article 6 § 2 (presumption of innocence) of the European Convention on Human Rights, he complains about the investigators who conducted the administrative investigation in his case, who he claims showed evident bias, and about the investigating judge, who did not react to the manner in which the investigation had been conducted and therefore shared responsibility for the irregularities. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy) among other provisions, the applicant also complains of the excessive length of the proceedings against him.

Győző Nagy v. Hungary (no. 38891/06)

The applicant, Győző Nagy, is a Hungarian national who was born in 1942 and lives in Budapest. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) of the Convention, he complains about the excessive length of criminal proceedings brought against him in 1998 for fraud and forgery.

Petrenco v. Moldova (no. 20928/05)

The applicant, Anatol Petrenco, is a Moldovan national who was born in 1954 and lives in Chişinău. Relying on Article 6 § 1 (right to a fair hearing) and Article 8 (right to respect for private and family life), he complains that his reputation was damaged as a result of the publication, in April 2002, of statements in the official newspaper of the Moldovan Government, implying that he had collaborated with the KGB.

Băcilă v. Romania (no. 19234/04)

The applicant, Maria Băcilă, is a Romanian national. She was born in 1946 and lives in Copşa Mică (Romania). She lives in a house situated close to a plant operated by the company Sometra, a major producer of non-ferrous metals. Relying in particular on Article 8 (right to respect for private and family life), she complains that the pollution generated by the

plant has had severe detrimental effects on her health and her living environment. She also complains of the failure of the local authorities to take steps to tackle the problem of pollution caused by the above-mentioned company.

Handölsdalen Sami Village and Others v. Sweden (no. 39013/04)

The applicants are four Swedish Sami villages: Handölsdalen, Mittådalen, Tåssåsen and Ruvhten Sijte (formerly Tännäs), all situated in the municipality of Härjedalen in northern Sweden. The case concerns the right of the Sami, indigenous inhabitants of the northern parts of Scandinavia and the Kola Peninsula, to use private land in Härjedalen for winter grazing of their reindeer. In 1990 a large number of Härjedalen landowners brought proceedings against the Sami villages and obtained a judgment forbidding them from using land without concluding a contract with the respective landowner. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time and right of access to court), the applicant villages complain of the excessive length as well as legal costs of those proceedings.

Ayhan Işık v. Turkey (no. 33102/04)

The applicant, Ayhan Işık, is a Turkish national who was born in 1978 and lives in Tekirdağ (Turkey). Arrested in 1999 and convicted of membership of an illegal organisation in 2003, he complains that the length of the criminal proceedings in his case were incompatible with Article 6 § 1 (right to a fair trial within a reasonable time) and that there was no effective remedy available to him in respect of this complaint, contrary to Article 13 (right to an effective remedy). He further complains under Article 6 § 3 (c) that he was denied legal assistance during his detention in police custody.

Allen v. United Kingdom (no. 18837/06)

The applicant, Susan Anne Allen, is a British national who was born in 1970 and lives in Liverpool (United Kingdom). Charged in October 2005 with two offences of conspiracy to supply hard drugs, the applicant complains that not permitting her to attend the hearing of the prosecution's appeal against granting her bail breached her rights under Articles 5 § 4 (right to liberty and security) and 6 § 1 (right to a fair trial). She also complains that the deputy district judge did not meet the requirements of Article 5 § 3 as, not able to give a binding ruling on bail, he was not authorised "to exercise judicial power".

Repetitive cases

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

Buică v. Romania (no. 14001/06)

This case concerns an action to recover the title deeds in respect of a plot of land. The applicant relies on Article 1 of Protocol No. 1 (protection of property).

Trofim v. Romania (no. 1193/08)

This case concerns the applicant's complaint that the domestic authorities failed to enforce a final judgment in her favour. She relies on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Țurcanu v. Romania (no. 4520/08)

This case concerns the applicant's inability to obtain effective compensation for property that had been illegally nationalised. She relies on Article 1 of Protocol No. 1 (protection of property).

Gurbet Er v. Turkey (no. 9459/05)

This case concerns the domestic court's refusal to grant the applicant legal aid. She relies on 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. In the cases of *Ritter-Coulais* and *Volkmer*, the applicants also rely on Article 13 (right to an effective remedy).

Ritter-Coulais v. Germany (no. 32338/07)

Sinkovec v. Germany (no. 46682/07)

Volkmer v. Germany (no. 54188/07)

Belényesi v. Hungary (no. 9269/08)

Şerefli and Others v. Turkey (No. 2) (no. 14015/05)

Thursday 1 April 2010

Gabriel v. Austria (no. 34821/06)

The applicant, Werner Gabriel, is an Austrian national who was born in 1939 and lives in Graz (Austria). In 1993, when he was a civil servant working at the legal affairs department of the Styria regional government, disciplinary proceedings were brought against him on a number of charges and in 1995 a disciplinary penalty of immediate retirement with a reduction of his pension benefits was imposed on him, upheld by the senior disciplinary board in 1996. Relying on Article 6 § 1 (right to a fair hearing), he complains that no public hearing was held before the administrative court, which dismissed his complaint against the decision as unfounded.

S.H. and Others v. Austria (no. 57813/00)

The applicants are two married couples who are Austrian nationals and live in Austria. Suffering from infertility and wishing to use medically assisted procreation, they complain about the prohibition of sperm and ova donation for in vitro fertilisation in domestic law. They allege a violation of Articles 14 (prohibition of discrimination) and 8 (right to respect for private and family life).

Rangelov and Stefanov v. Bulgaria (no. 23240/04)

Stefanov and Yurukov v. Bulgaria (no. 25382/04)

The applicants, Stefan Rangelov, Rangel Stefanov and Mitko Yurukov, are three Bulgarian nationals, who were born in 1974, 1972 and 1971 respectively and live in Plovdiv (Bulgaria). Both cases concern the length of criminal proceedings against the applicants, on charges of theft of motor vehicles in the first case and of theft of items from a car in the second case, which lasted more than ten years before they were eventually discontinued in 2003 and 2004 respectively. The applicants allege a violation of Article 6 § 1 (right to a fair trial within a reasonable time). They also complain that they had no effective remedy in respect of the length of proceedings, in breach of Article 13 (right to an effective remedy).

Vrbica v. Croatia (no. 32540/05)

The applicant, Marko Vrbica, is a Montenegrin national who was born in 1937 and lives in Cetinje (Montenegro). Relying 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), he complains of the refusal of the Croatian courts to enforce a judgment, given by a court in Montenegro and judicially recognised in Croatia, which awarded him damages for injuries he had sustained in a road-traffic accident.

Buijen v. Germany (no. 27804/05)

Smith v. Germany (no. 27801/05)

The applicants are two Dutch nationals who were born in 1950 and live in the Netherlands. Jeroen Buijen lives in Amsterdam and Hendrik Smith lives in Groningen. Both applicants were convicted in 2002 by the Regional Court in Lübeck, Germany, of unlawful trafficking in narcotic substances and were sentenced to different terms of imprisonment. Relying on Article 6 § 1 (right of access to a court), both applicants complain about the German authorities' refusal to institute in their cases proceedings to send them to the Netherlands, contrary to earlier assurances given by the Public Prosecutor, and about not having been able to challenge the judgments given by the Lübeck Regional Court as they had waived their right to appeal in view of the assurance given.

Evgeniou-Hatzidimitriou v. Greece (no. 26487/07)

The applicant, Demetrios Evgeniou-Hatzidimitriou, is a Cypriot national who was born in 1946 and lives in Ilioupoli (Greece). In late 2003 criminal proceedings were brought against him for forgery, use of forged documents, fraud and formation of a criminal gang. Relying in particular on Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the excessive length of those proceedings, which are still pending.

Akhmetov v. Russia (no. 37463/04)

The applicant, Rafik Akhmetov, is a Russian national who was born in 1967 and lives in Chelyabinsk (Russia). Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant, who suffers from a rare tumour, complains that he did not receive adequate medical treatment in prison, where he was serving a sentence for a number of criminal offences.

Denisova and Moiseyeva v. Russia (no. 16903/03)

The applicants, Nataliya Denisova, and her daughter, Nadezhda Moiseyeva, are Russian nationals who were born in 1949 and 1978 respectively. They are the wife and daughter of Valentin Moiseyev, who was also an applicant before the Court (application no.62936/00). Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain of the domestic courts' refusal to lift orders – in respect of the spousal portion of the first applicant and of the computer owned by the second applicant – issued in 1998 during criminal proceedings brought against the applicants' husband and father for treason.

Georgiy Nikolayevich Mikhaylov v. Russia (no. 4543/04)

The applicant, Georgiy Nikolayevich Mikhaylov, is a Russian national who was born in 1944 and lives in St. Petersburg (Russia). Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 1 of Protocol No. 1 (protection of property), he complains about not having had access to the appeal court in the civil proceedings he had brought in 1998 for the recovery of his art collection confiscated as a result of judgments passed in earlier criminal proceedings against him which were subsequently quashed and terminated.

Gulyayeva v. Russia (no. 67413/01)

The applicant, Nina Gulyayeva, is a Russian national who was born in 1951 and lives in Moscow. Relying, in particular, on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 §§ 1 (c) and 3 (right to liberty and security), she complains of the conditions and length of her detention awaiting trial, as well as of being unlawfully detained between 25 October and 4 November 2000.

Klein v. Russia (no. 24268/08)

The applicant, Gal Yair Klein, is an Israeli national who was born in 1943 and lives in Tel-Aviv. He is currently detained in remand prison IZ-77/4 in Moscow. Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 § 1 (right to a fair trial), he complains that, if extradited to Colombia where he was convicted in his absence of teaching

military and terrorist tactics, he will most probably be ill-treated and will not receive a fair trial. Relying further on Article 13 (right to an effective remedy), he complains that he could not complain effectively under Russian law of the risk of being ill-treated in Colombia.

Korolev v. Russia (No. 2) (no. 5447/03)

The applicant, Vladimir Korolev, is a Russian national who was born in 1954 and lives in Orenburg (Russia). Relying on Article 6 § 1 (right to a fair hearing), he complains about the unfairness of a civil case in which he sought compensation for an air-ticket he had bought in 1998 while in active military service. He complains in particular about the public prosecutor's participation in the appeal proceedings and about the impossibility for him to make comments on the prosecutor's final remarks at the closure of the appeal hearing in

Margushin v. Russia (no. 11989/03)

The applicant, Viktor Margushin, is a Russian national who was born in 1930 and lives in Taganrog (Russia). Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), he complains of not being able to recover his money deposited in a private bank as a result of the non-enforcement of a judgment in his favour.

Mutsolgova and Others v. Russia (no. 2952/06)

This case concerns the applicants' allegations that their close relative disappeared in Karabulak (Republic of Ingushetia, Russia), after being detained by State agents. 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).

Pavlenko v. Russia (no. 42371/02)

The applicant, Aleksandr Pavlenko, is a Russian national who was born in 1971 and is currently serving a prison sentence in the Irkutsk Region (Russia). Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) he complains of the conditions in which he was detained in Barnaul and of not having had an effective remedy to challenge them, as well as of having been beaten by his interrogators and cell-mates. Relying further on Article 6 (right to a fair trial), he complains of having been refused to be represented by a lawyer of his choice, of the inefficiency of the legal-aid counsel assigned to him, as well as of having been forced to incriminate himself during the questioning after his arrest.

Repetitive cases

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

Panasenko v. Russia (no. 9549/05)

Tsareva v. Russia (no. 43327/02)

These cases concern the applicants' complaint that final judgments in their favour were quashed by way of supervisory review. They rely on Article 1 of Protocol No. 1 (protection of property). In the case of ***Tsareva*** the applicant also complains under Article 6 § 1 (right to a fair hearing) about the non-enforcement of the judgment in her favour.

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 ***Galanis*** and ***Lonza*** the applicants also rely on Article 13 (right to an effective remedy), and in the case of ***Lonza*** the applicant relies on Article 1 of Protocol No. 1 (protection of property).

Lonza v. Croatia (no. 14062/07)
Niedzwiecki v. Germany (No. 2) (no. 12852/08)
Galanis v. Greece (no. 8725/08)
Karanikolas v. Greece (no. 12879/08)

Press contacts

Stefano Piedimonte (telephone : 00 33 (0)3 90 21 42 04)
Tracey Turner-Tretz (telephone : 00 33 (0)3 88 41 35 30)
Kristina Pencheva-Malinowski (telephone : 00 33 (0)3 88 41 35 70)
Céline Menu-Lange (telephone : 00 33 (0)3 90 21 58 77)
Frédéric Dolt (telephone : 00 33 (0)3 90 21 53 39)
Nina Salomon (telephone: 00 33 (0)3 90 21 49 79)

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.