

Press release issued by the Registrar¹

HEARINGS IN APRIL 2010

The European Court of Human Rights will be holding the following **three hearings in April 2010**:

Tuesday 27 April 2010 at 9 a.m.:

Chamber Hearing in the case of *Farcas v. Romania* (application no. 32596/04).

The applicant, Mr Alois Farcas, is a Romanian national who was born in 1964 and lives in Piatra Neamț. He has suffered from progressive muscular dystrophy, a hereditary musculoskeletal disease, since the age of ten.

From 1983 to 2004 he worked as an electrical repair man in a telecommunications workshop. In 2004 he was transferred to a new post which required him to carry out repair work at other sites, a task ill-suited to someone with serious difficulties walking because most of the institutions or firms he was sent to had no access for the disabled. On 30 April 2004 he had to accept a severance agreement.

He was prevented from participating in the proceedings to challenge that agreement (which subsequently became final) as, not able to climb stairs, he could not access the court's building. Nor was he able to register as unemployed or go to the local authorities to challenge a decision not to assign him a nurse even though the doctors had recommended that he should have one.

Mr Farcas is completely dependent on his entourage in his everyday life – to do his shopping, for example – and he has to remain within a 600-metre radius of his house because of the height of the kerbs. His situation deteriorated in 2007, when his car was found unfit for the road and he could not afford the necessary repairs. The applicant feels cut off from society, unable to use public transport or access the city's administrative buildings or cultural institutions, such as theatres, museums or libraries.

The applicant has lodged complaints under several provisions of the European Convention on Human Rights, including Article 8 (right to respect for private and family life), Article 6 § 1 (right to a fair trial) and Article 14 (prohibition of discrimination).

The application was lodged with the European Court of Human Rights in September 2004.

Tuesday 27 April 2010 at 2.30 p.m.:

¹ These summaries by the Registry do not bind the Court.

Chamber Hearing in the case of *Irina Enekidzé and Guram Girgvliani v. Georgia*
(application no. 25091/07).

The applicants are two Georgian nationals: Ms Enekidzé was born in 1950 and died in 2007; Mr Girgvliani was born in 1956 and lives in Tbilissi. The case concerns the death of the applicants' 28-year old son, Sandro Girgvliani, following ill-treatment by officials from the Ministry of the Interior, and the alleged failure to conduct an effective and impartial investigation into the matter.

On 28 January 2006 the body of Sandro Girgvliani was found in the woods with 12 wounds. The previous day he had gone with a friend, L.B., to the "Chardin" café in Tbilissi, where a group of senior civil servants from the Ministry of the Interior were gathered. On leaving the café Sandro Girgvliani and L.B. were abducted by other officials from the Ministry of the Interior.

The investigation concluded that on the evening of 27 January 2006, G.A., the first deputy director of Constitutional Security, passed Sandro Girgvliani as he was leaving the café. In retaliation for Sandro Girgvliani's insults against his colleagues inside the café, he had abducted Sandro and L.B. and beaten them, assisted by three other Ministry officials. The four officials were charged with causing death by intentional wounding and premeditated unlawful confinement by a group using life-threatening violence. A list of "fourteen items of evidence" gathered by the investigating authorities was appended to the bill of indictment. Sandro's mother applied on a number of occasions, including to the Georgian Supreme Court, for access to that evidence, but it was never granted. She also alleged that amendments to the Criminal Code on 28 April 2006 were related to her son's case. G.A. was sentenced to seven years and six months' imprisonment and the other three defendants to six years and six months each. Following a presidential pardon on 24 November 2008, their remaining sentences were reduced by one half. On 5 September 2009 they were released on parole.

The Court decided to give notice to the Georgian Government of the applicant's complaints under Article 2 (right to life), taken separately and in conjunction with Article 13 (right to an effective remedy), and Article 6 § 1 of the Convention. On 17 March 2008 Guram Girgvliani informed the European Court of Human Rights that he wished to pursue the application following the death of his wife from an illness in August 2007.

Wednesday 28 April 2010 at 9.15 a.m.:

Grand Chamber Hearing in the case of *Paksas v. Lithuania* (application no. 34932/04)

The applicant, Mr Rolandas Paksas, is a Lithuanian national who was born in 1956 and lives in Vilnius. On 5 January 2003 he was elected President of the Republic of Lithuania. The case concerns his impeachment on 6 April 2004 by the *Seimas* (Lithuanian Parliament) for gross violations of the Constitution.

The Constitutional Court found, among other things, that the applicant had illegally granted Lithuanian citizenship to a Russian businessman living in Lithuania to reward him for his financial support during the presidential election campaign, and that he had disclosed official secrets to the businessman by informing him that he was under investigation and that his telephone was being tapped.

On 22 April 2004 the Central Election Commission ("CEC") expressed the opinion that there was nothing to prevent the applicant standing again for the office of president in the elections that followed his impeachment. However, on 4 May 2004 the *Seimas* adopted a new provision in the Presidential Elections Act according to which a person who had been

removed from office in impeachment proceedings could not be elected President of the Republic unless 5 years had elapsed (as a result of which the CEC finally refused to register the applicant's candidature). The matter was referred by some MPs to the Constitutional Court, which held that to ban an impeached person from standing for election was compatible with the Constitution but that it was anti-constitutional to set a time-bar. On 15 July 2004 the *Seimas* passed an amendment to the Parliamentary Elections Act, which entrenched the ban on becoming a Member of Parliament for anyone who had been removed from office as a result of an impeachment.

Furthermore, criminal proceedings were brought against the applicant on a charge of disclosing information classified as an official secret, but he was ultimately acquitted.

The application was lodged before the European Court of Human Rights on 27 September 2004; on 1 December 2009 the Chamber to which the case had been assigned relinquished jurisdiction in favour of the Grand Chamber².

Relying on Article 6 § 1 (right to a fair hearing) of the Convention, Mr Paksas complains that the Constitutional Court lacked impartiality in the proceedings against him and overstepped its role in the proceedings concerning the constitutional violations of which he was accused. He further complains that his right to be presumed innocent, under Article 6 § 2, was breached in a number of respects. In addition, under Article 7 (no punishment without law), the applicant complains that the impeachment proceedings followed by criminal proceedings amounted to being charged twice with the same offence. Lastly, under Article 3 of Protocol No. 1 (right to free elections), he complains that an amendment to the electoral law was arbitrarily intended to exclude him from future appointment to presidential office and that his lifelong disqualification from becoming an MP constitutes a denial of the very essence of free elections.

Decisions, judgments and further information about the Court can be found on its Internet site (<http://www.echr.coe.int>)

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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.

² In application of Article 30, where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects.