

**Press release issued by the Registrar**

**Chamber judgments<sup>1</sup> concerning  
Bulgaria, Russia and Ukraine**

The European Court of Human Rights has today notified in writing the following 14 Chamber judgments. The judgments available only in French are indicated with an asterisk (\*).

Repetitive cases<sup>2</sup> and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release.

***Iorgov v. Bulgaria (No. 2)*** (application no. 36295/02)

The applicant, Plamen Iorgov, is a Bulgarian national who was born in 1957 and is currently imprisoned in Pleven (Bulgaria). Convicted of murder in 1990, his original death sentence was commuted to life imprisonment without commutation in 1999. Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, he complained that his sentence, which had denied him any possibility of early release, had been inhuman and degrading. He further complained of the excessively strict prison regime applied to him, the lack of a legal framework for this regime and the low quality of the medical care dispensed to the prisoners. Lastly, relying in particular on Article 5 § 4 (right to liberty and security) of the Convention, he complained that he had had no means of challenging the lawfulness of his detention.

***No violation of Article 3***

***No violation of Article 5 § 4***

***Kaushal and Others v. Bulgaria*** (no. 1537/08)

The applicants are Rajesh Kaushal, an Indian national, born in 1967, who currently lives in Thessaloniki (Greece), his wife Kristina Boneva Kaushal, born in 1974, and their daughters Viktoria and Elena Rajesh Kaushal, born in 1992 and 1998 respectively, all three of whom are Bulgarian nationals who live in Sofia. The applicants complained that Mr Kaushal's expulsion from Bulgaria in 2005 on national security grounds and the ensuing separation of their family had violated their rights under Article 8 (right to respect for family life) and that they had had no effective remedies, in violation of Article 13 (right to an effective remedy). Relying on Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens),

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<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

<sup>2</sup> In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

Mr Kaushal further complained that Bulgaria had not provided the necessary procedural guarantees related to his expulsion.

**(All applicants) Violation of Article 8**

**(All applicants) Violation of Article 13**

**(Mr Kaushal) Violation of Article 1 of Protocol No. 7**

*Just satisfaction: to Mr Kaushal EUR 10,000, and to each of the other three applicants EUR 6,000 (non-pecuniary damage)*

***Mincheva v. Bulgaria*** (no. 21558/03)\*

The applicant, Mariana Mincheva, is a Bulgarian national who was born in 1964 and lives in Sofia. Relying on Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), she complained about the length of proceedings concerning custody of her son and about the lack of a remedy by which to bring his complaint under Bulgarian law. Under Article 8 (right to respect for private and family life) in particular, she further complained about a failure by the authorities to enforce the access rights that had been granted to her by a final judicial decision.

***Violation of Article 6 § 1 (length)***

***Violation of Article 8***

***Violation of Article 13 in conjunction with Article 6 § 1***

*Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 1,308 (costs and expenses)*

***Timofeyev v. Russia*** (no. 12111/04)

The applicant, Sergey Timofeyev, is a Russian national who was born in 1968 and lives in Shakhty (Rostov Region, Russia). Sentenced to three years' imprisonment in 2003 for rape and attempted rape, a sentence he was exempted from serving under an amnesty law, he complained in particular that the criminal proceedings against him, lasting eight years, had been excessively long and that the appeal court had held the hearing in his absence. He relied in particular on Article 6 (right to a fair hearing within a reasonable time).

***Violation of Article 6 § 1 (fairness)***

***No violation of Article 6 § 1 (length)***

*Just satisfaction: EUR 5,000 (non-pecuniary damage)*

***Fedina v. Ukraine*** (no. 17185/02)

The applicant, Raisa Nikolayevna Fedina, is a Ukrainian national who was born in 1950 and lives in Tenistoye (Crimea, Ukraine). In 2001, her son died as a result of an electric shock after touching a loose wire hanging from a pole for power lines owned by an electricity company. The district prosecutor eventually refused to institute criminal proceedings against the company after having conducted an inquiry into the circumstances of the accident. Relying in particular on Article 6 § 1 (right to a fair hearing within a reasonable time), Ms Fedina complained that the dilatory manner in which the prosecutor had conducted the inquiry had affected the length of the civil proceedings which she had instituted against the electricity company.

***Violation of Article 6 § 1 (length)***

*Just satisfaction: EUR 1,200 (non-pecuniary damage) and EUR 500 (costs and expenses)*

***Murukin v. Ukraine*** (no. 15816/04)

The applicant, Valentin Murukin, is a Ukrainian national who was born in 1961 and lives in Dnipropetrovsk (Ukraine). Having caused a car accident in 2002, injuring a woman, he was convicted in 2003 of breaching traffic rules resulting in injuries of medium severity to the victim and sentenced to two years' "restriction of liberty". Relying, in particular, on Article 5 § 1 (right to liberty and security), he complained that his detention in custody had been unlawful under the domestic code of criminal procedure.

***Violation of Article 5 § 1***

*Just satisfaction: EUR 3,000 (non-pecuniary damage)*

## **Repetitive cases**

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

***Georgieva and Mukareva v. Bulgaria*** (no. 3413/05)

***Madzharov v. Bulgaria*** (no. 40149/05)

***Yonkov v. Bulgaria*** (no. 17241/06)

These cases concerned the applicants' complaint under Article 1 of Protocol No. 1 (protection of property) that they had been deprived of their property arbitrarily, without adequate compensation.

***Violation of Article 1 of Protocol No. 1***

***Tayanko v. Russia*** (no. 4596/02)

In this case the applicant complained of the quashing, by way of supervisory review, of a final judgment in his favour. He relied on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

***Violation of Article 6 § 1***

***Violation of Article 1 of Protocol No. 1***

## **Length-of-proceedings cases**

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

***Dzhagarova and Others v. Bulgaria*** (no. 5191/05)

***Konovski v. Bulgaria*** (no. 33231/04)\*

***Rosen Petkov v. Bulgaria*** (no. 65417/01)

***Violation of Article 6 § 1 – all cases***

***Violation of Article 13 (right to an effective remedy) – 2nd and 3rd cases***

## ***Struck out***

***Velikin and Others v. Bulgaria*** (no. 28936/03)\*

The Court decided to strike the case out of the list following the Bulgarian Government's declaration acknowledging the unreasonable duration of the domestic proceedings and accepting to pay the applicants EUR 2,700, jointly, for compensation.

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These summaries by the Registry do not bind the Court. The full texts of the Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

## **Press contacts**

[echrpess@echr.coe.int](mailto:echrpess@echr.coe.int) / +33 3 90 21 42 08

**Emma Hellyer** (telephone: + 33 3 90 21 42 15)

**Tracey Turner-Tretz** (telephone: + 33 3 88 41 35 30)

**Kristina Pencheva-Malinowski** (telephone: + 33 3 88 41 35 70)

**Céline Menu-Lange** (telephone: + 33 3 90 21 58 77)

**Frédéric Dolt** (telephone: + 33 3 90 21 53 39)

**Nina Salomon** (telephone: + 33 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.