



## Forthcoming judgments

The European Court of Human Rights will be notifying in writing 17 judgments on 20 September 2011 and nine on 22 September 2011.

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

Tuesday 20 September 2011

### [Ullens de Schooten and Rezabek v. Belgium \(no. 3989/07\)](#)

The applicants were directors of an accredited laboratory which carried out clinical tests eligible for reimbursement by the National Sickness and Invalidity Insurance Institute. Proceedings were brought against them for, among other offences, failure to comply with Article 3 of Royal Decree no. 143 of 30 December 1982, which allowed only persons holding certain qualifications to run laboratories offering clinical tests eligible for reimbursement. Relying on Article 6 § 1 (right to a fair hearing), the applicants complain of the fact that the domestic courts did not take into account the incompatibility of Article 3 of the royal decree with Community law, although that incompatibility was decisive for the existence of the alleged damage, and of the refusal of the Court of Cassation and the *Conseil d'Etat* to refer that question to the Luxembourg Court for a preliminary ruling.

### [Shesti Mai Engineering OOD and Others v. Bulgaria \(no. 17854/04\)](#)

Two of the applicants, Krasimir Evtimov and his wife Kalina Stoycheva, are Bulgarian nationals, born in 1946 and 1953, respectively, and are owners of Shesti Mai Engineering OOD, a company based in Sofia, also among the applicants. The other applicants are: Georgi Mitev, Stefan Stefanov, Lilyana Galeva, Neli Alexandrova, Nikolina Amzina and Ivan Bozhilov, who are also Bulgarian nationals, born in 1955, 1956, 1945, 1960, 1947 and 1960, respectively, and live in Sofia; as well as three other companies, Motorengineering OOD, Nov Bryag OOD and Vitex AD, based, respectively, in Varna, Burgas and Gabrovo in Bulgaria. All the applicants were shareholders in Mezhdunaroden Tzentar po Firmeno Upravlienie AD ("MTFU"), a limited liability company dealing in professional training; Mr Evtimov was its executive director. The applicants complain about a judicial decision of July 1999 allowing a change of management of MTFU. They allege that the new management then took control of MTFU's premises, evicting Mr Evtimov by force, and subsequently cancelled all existing shares, with the result that the applicants' shareholding was progressively wiped out and MTFU eventually stopped functioning. They also complain about the related judicial proceedings they brought, alleging that domestic law provided no protection against the effects of the decision of July 1999. They rely on Article 1 of Protocol No. 1 (protection of property).

### [Lokpo and Touré v. Hungary \(no. 10816/10\)](#)

The applicants, Paul Thibaut Lokpo and Ousmane Touré, are Ivorian nationals who were born in 1990 and 1984 and live in Budapest and Nyírbátor, Hungary, respectively. They entered Hungary illegally and, arrested in March 2009, subsequently claimed asylum. Relying on Article 5 § 1 (right to liberty and security), they complain about the unlawfulness of their detention from April to September 2009 pending the asylum proceedings.

**Bolovan v. Romania (no. 64541/01)****Revision**

The applicant, Constantin Bolovan, is a Romanian national who was born in 1944 and lived in Cioriași (Romania). In a judgment delivered on 24 November 2009, the Court held that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) on account of deficiencies in the criminal investigations into the applicant's allegations of ill-treatment at the hands of the police. Since then, the Romanian Government has learned that the applicant died before the adoption of the judgment and therefore requested its revision.

**I.D. v. Romania (no. 3271/04)****Revision**

In a judgment of 23 March 2010 the Court held that there had been a violation of Article 6 § 1 on account of the failure to enforce a final judgment and the excessive length of the civil proceedings. The Government requested revision of the judgment owing to the applicant's death.

**Fedorenko v. Russia (no. 39602/05)**

The applicant, Igor Fedorenko, is a Russian national who was born in 1976 and lives in St Petersburg. Convicted of fraud and sentenced to four years and three months' imprisonment in 2007, he complains that his detention on remand lasted almost two years and was thus excessively long, in violation of Article 5 § 3 (right of a detainee to be brought promptly before a judge). Relying in particular on Article 5 §§ 1 (c) and 4 (right to liberty and security), he complains that his detention on the basis of a number of court decisions was unlawful, as the court had failed to indicate a time-limit or give sufficient reasons for his detention, and that his appeal against his pre-trial detention was not examined speedily. He further alleges that one of the court decisions ordering his placement in pre-trial detention violated his right to be presumed innocent under Article 6 § 2.

**OAo Neftyanaya kompaniya YUKOS v. Russia (no. 14902/04)**

The applicant company, OAo Neftyanaya kompaniya YUKOS, was a publicly-traded private open joint-stock company incorporated under the laws of Russia and registered in Nefteyugansk. It was established by the Russian Government in 1993 as a holding company to acquire and control a number of stand-alone entities specialised in oil production. The company was fully State-owned until the mid-1990s when, through a series of tenders and auctions, it was privatised. The case concerns the applicant company's complaint that it was targeted by the Russian authorities with tax and enforcement proceedings, which eventually led to its liquidation in November 2007. Relying on Article 6 (right to a fair hearing), the applicant company complains of irregularities in the proceedings concerning its tax liability for the year 2000. Under Article 1 of Protocol No. 1 (protection of property), taken alone and in conjunction with Articles 1 (obligation to respect human rights), 13 (right to an effective remedy), 14 (prohibition of discrimination) and 18 (limitation on use of restrictions on rights), it further complains about the unlawfulness and proportionality of the 2000-2003 tax assessments and their subsequent enforcement. Lastly, relying on Article 7 (no punishment without law), it alleges that the proceedings for payment of the taxes due for the years 2000-2003 lacked a proper legal basis and resulted in selective and arbitrary prosecutions and in the imposition of a double punishment.

**A.A. v. the United Kingdom (no. 8000/08)**

The applicant, A.A., is a Nigerian national who was born in 1986 and lives in London. He arrived in the United Kingdom in 2000 to join his mother and, in 2002, at the age of 15, he was convicted of rape. After serving less than two years of his four-year sentence he was released on licence in 2004. He has since completed his studies and commenced employment in the United Kingdom. He complains that his deportation to Nigeria,

ordered by the British authorities in view of his conviction, would violate his rights under Article 8 (right to respect for private and family life).

## Repetitive cases

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

### **Balezdrovi v. Bulgaria** (no. 36772/06)

This case concerns the applicants' complaint that the domestic authorities failed to provide adequate compensation for expropriated property in good time. They rely on Article 1 of Protocol No. 1 (protection of property).

### **Vartic and Others v. Moldova** (nos. 12674/07, 13012/07, 13339/07, 13355/07 and 13368/07)

This case concerns the delayed enforcement of final judgments in the applicants' favour. They rely on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

### **Mirosław Zieliński v. Poland** (no. 3390/05)

In this case the applicant complains of the inadequate conditions of his detention and the prison authorities' monitoring of his correspondence. He relies on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for correspondence).

### **Lapin v. Russia** (no. 16152/03)

In this case the applicant complains of the lengthy non-enforcement of a final judgment in his favour, and the alleged pressure put on him by the authorities. He relies on Article 6 § 1 (right to a fair hearing) and Article 34 (right of individual petition).

### **Gölünç v. Turkey** (no. 47695/09)

### **Sapan v. Turkey** (no. 17252/09)

Both cases concern the applicants' complaints that they were denied legal assistance during their detention in police custody and that the length of the criminal proceedings against them were excessive. They rely on Article 6 §§ 1 and 3 (c) (right to a fair trial within a reasonable time). Mr Sapan also relies on Article 13 (right to an effective remedy).

## Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of non-criminal proceedings.

### **Pascarella and Others v. Italy** (nos. 23704/03, 23747/03, 23831/03, 23845/03, 23850/03, 23853/03, 24594/03, 24613/03, 24616/03, 24621/03, 24629/03, 24630/03, 24632/03, 24633/03, 24635/03, 24636/03, 25089/03, 25091/03, 26953/03, 26999/03 and 30835/03)

### **Cunha Oliveira v. Portugal** (no. 15601/09)

### **Ferreira Alves v. Portugal** (no. 55113/08)

Thursday 22 September 2011

### [A.S.P.A.S. et Lasgrezas v. France](#) (no. 29953/08)

The first applicant is an environmental association which aims to help people who have sustained various kinds of damage as a result of the abuse of hunting rights. The second applicant, who owns land situated in the municipalities of Chourgnac d'Ans and

Tourtoirac, was compelled to join the approved municipal hunters' association (ACCA) and to transfer hunting rights over her land to the association. The applicants complain of interference with their right to the peaceful enjoyment of their possessions under Article 1 of Protocol No. 1 (protection of property). They contend that the obligation to transfer hunting rights over land to the ACCA upset the fair balance to be struck between the protection of the right to property and the requirements of the general interest. Relying on Article 11 (freedom of assembly and association), they complain of interference with their right to freedom of association on account of the fact that the second applicant was obliged to join an association which pursued aims contrary to her convictions.

### [H.R. v. France \(no. 64780/09\)](#)

The applicant is an Algerian national who, in 1999, was tried *in absentia* by the Algerian courts and sentenced to life imprisonment for "establishment of a terrorist group and attempted murder of national security officials". After his arrival in France in 2000 he had two asylum applications refused by the French Office for the Protection of Refugees and Stateless Persons (OFPRA) and the Refugee Appeals Board (CRR); in addition, his application for territorial asylum was rejected by the Ministry of the Interior. On 10 February 2009 an order was issued for his removal to Algeria. Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicant alleges that the enforcement of the order for his removal would place him at risk of ill-treatment in Algeria.

## Length-of-proceedings cases

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**Tetu v. France** (no. 60983/09)  
**Otto v. Germany** (no. 28348/09)  
**von Koester v. Germany** (no. 17019/08)  
**Omelyanenko v. Ukraine** (no. 36758/08)  
**Shapovalova v. Ukraine** (no. 18508/07)  
**Sobolev v. Ukraine** (no. 55326/07)  
**Volchkova v. Ukraine** (no. 17059/07)

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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.