



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 17 judgments on Tuesday 4 October 2011 and nine on Thursday 6 October 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)*

Tuesday 4 October 2011

[S. v. Estonia \(application no. 17779/08\)](#)

The applicant, S., is an Estonian national who was born in 1967 and lives in Tallinn. Suffering from paranoid schizophrenia, she was involved in 2006 in several violent incidents with her partner and on one occasion allegedly broke his nose. Relying on Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights, she complains about the unlawfulness of her ensuing hospitalisation against her will in a psychiatric clinic in November 2006.

[Goginashvili v. Georgia \(no. 47729/08\)](#)

The applicant, Vasili Goginashvili, is a Georgian national who was born in 1960 and lives in Tbilisi. A former police officer, Mr Goginashvili was arrested in May 2006 on the Georgian-Turkish border on suspicion of smuggling drugs. He was subsequently convicted of drug trafficking and sentenced to 21 years in prison. Relying on Article 3 (prohibition of inhuman and degrading treatment), he complains about his ensuing inadequate medical care in prison for a serious kidney disorder, claiming that medical staff in the prison hospital did not include a nephrologist and that certain medication was withheld from him.

[Orlikowscy v. Poland \(no. 7153/07\)](#)

The applicants, M. Orlikowski and J. Orlikowska, are Polish nationals who were born in 1962 and live in Częstochowa (Poland). The case concerns several sets of proceedings to which the applicants were a party to prevent their neighbours operating an abattoir (and subsequently a smoking chamber) next to their house. They complain under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of the related proceedings. Further relying on Article 8 (right to respect for private and family life and the home), they also allege that the abattoir and smoking chamber are an environmental hazard which the State should have protected them from.

[Bădilă v. Romania \(no. 31725/04\)](#)

The applicant, Aurel Badila, is a Romanian national who was born in 1960 and lives in Giurgiu (Romania). Mr Badila complains about the conditions of his detention in Giurgiu and Jilava prisons as well as on the medical ward of Rahova prison between 2002 and 2009 while serving a seven-year sentence for attempted rape. Relying on Article 3 (prohibition of inhuman and degrading treatment), he complains in particular about overcrowding, poor hygiene and inadequate medical care for an anal fissure. Further relying on Article 8 (right to respect for correspondence), he complains about difficulties in obtaining from the prison authorities his medical and criminal file as well as paper, stamps and envelopes with which to lodge his application with this Court. Lastly, under

Article 10 (freedom of expression), he claims that he was not given access to public information as he could not watch television, listen to the radio or read any newspapers.

[Güler and Öngel v. Turkey \(nos. 29612/05 and 30668/05\)](#)

The applicants, Serdar Güler and Savaş Kurtuluş Öngel, are Turkish nationals who were born in 1977 and 1979 respectively. They live, respectively, in Istanbul and Mersin (Turkey). Relying on Articles 3 (prohibition of inhuman and degrading treatment) and 11 (right to freedom of assembly and association), they allege that the police used excessive force on 29 June 2004 when dispersing demonstrators who were protesting against a NATO summit being held in Istanbul. The two men participated in the protest and allege that they were brutally beaten by the police during and after their arrest and, as a result, sustained severe bruising.

[Mete and Others v. Turkey \(no. 294/08\)](#)

Following the arrest of Abdullah Öcalan, the leader of the PKK (Workers' Party of Kurdistan, an illegal armed organisation), the PKK called on shops in Diyarbakır city centre to keep their metal shutters down in protest. On 23 February 1999, according to the applicants, police officers forced open the metal shutters at their shop, broke the windows, damaged equipment and goods and proceeded to beat them. During the ensuing altercation, police officers allegedly fired shots in the air and beat the applicants, who were trying to defend themselves and their shop. Relying on Article 3 (prohibition of inhuman and degrading treatment), the applicants, Mr Şeyhmus Mete, Mr Zafer Koluman, Ms Heybet Mete and Ms Nofa Koluman, complain that they were ill-treated by the police on the premises of their own shop.

Repetitive cases

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

Zafranias v. Greece (no. 4056/08)

The applicants complain that their land was expropriated with a view to building a railway line, without any compensation being awarded. The State claimed ownership of the land in question and the applicants did not qualify as having acquired the land by means of adverse possession. They rely on Article 1 of Protocol No. 1 (protection of property).

Agache v. Romania (no. 35032/09)

The applicant complains of the non-enforcement of a judgment in his favour. He relies on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Kayacı and Others v. Turkey (no. 41485/05)

The applicants complain about the decision by the Turkish courts to register the Treasury as the owner of land which was rightfully theirs, without any compensation being paid to them. They rely on Article 1 of Protocol No. 1 (protection of property) and Article 6 (length of proceedings).

Length-of-proceedings cases

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

Pfeifenberger v. Austria (no. 6379/08)

Stelios Schinas-Spilios Kaisaris Koinopraxia v. Greece (no. 23410/09)
Violanda Truocchio v. Italy (nos. 20198/03 and 40403/04)
Mularz v. Poland (no. 9834/08)
Ferreira Alves v. Portugal (nos. 13912/08, 57103/08 and 58480/08)
Büyükkol v. Turkey (no. 24280/09)
Ganimet Taşkın v. Turkey (no. 17993/09)
Kulmaç v. Turkey (no. 43874/06)

Thursday 6 October 2011

[Soros v. France \(no. 50425/06\)](#)

The applicant, George Soros, is a United States national who was born in 1930 and lives in New York. In 1988 he founded the Q.F. company, a major equity investment fund. Between 22 September and 17 October 1988 the company acquired a number of shares in the S. bank for the sum of 11.4 million dollars, of which a total of 7 million dollars was invested in the French market and 4.4 million on the London stock exchange. Only a few days after acquiring the shares, Q.F. decided to sell some of them, and the remainder were sold a month later; as a result, Q.F. made a profit of approximately 2.28 million dollars from buying and selling the shares. In 1990 an investigation was opened in respect of Mr Soros, who was suspected, along with others, of insider trading by taking advantage of inside information. Relying on Article 7 (no punishment without law), George Soros complains that the essential elements of the offence of insider trading were insufficiently clear at the time of his conviction, and that European Community legislation, which was clearer and hence more favourable to him than French law, was not applied in the proceedings against him.

[Vellutini and Michel v. France \(no. 32820/09\)](#)

The applicants, Bernard Vellutini and Cédric Michel, who were born in 1957 and 1979 respectively, are the president and general secretary of the Municipal Police Officers' Trade Union (*Union syndicale professionnelle des policiers municipaux* – USPPM). A member of the union, B., had a dispute with the mayor of the municipality of Vendays-Montalivet, where she worked. After receiving a disciplinary sanction from the mayor, the police officer in question appealed to the Bordeaux Administrative Court. The mayor subsequently criticised her directly in two issues of the municipal newsletter. Mr Vellutini and Mr Michel then published a leaflet protesting against the mayor, containing phrases which in the latter's view were clearly defamatory. Relying on Articles 10 (freedom of expression) and 11 (freedom of assembly and association), Mr Vellutini and Mr Michel complain that they were convicted of public defamation of a person holding public office on the basis of statements made in their capacity as union officials.

[Agrokompleks v. Ukraine \(no. 23465/03\)](#)

The applicant, Agrokompleks JSC, is a private company based in Ukraine which dealt, at the time of the events, with Russian companies in barter trade operations, such as exchanging Ukrainian raw foodstuffs for Russian crude oil and further sale of finished oil products. The applicant company complains under Article 1 of Protocol No. 1 (protection of property) that it was unable to recover in full the 375,000 tons of oil it had supplied to the then biggest (and majority State-owned) oil refinery in Ukraine, LysychanskNaftoOrgSyntez ("LyNOS") in the early 1990s. Further relying on Article 6 § 1 (right to a fair trial within a reasonable time), the applicant company also complains about the excessive length and unfairness of insolvency proceedings it brought from 1996 to 2004 against LyNOS. It alleges that the courts dealing with those proceedings were not independent or impartial given the intense political pressure surrounding the case, the State authorities having a strong interest in its outcome. Furthermore, the applicant company complains that the courts breached the legal certainty principle by

quashing of a final decision of July 1998 in which LyNOS' debt was established at 216,150,544 Ukrainian hryvnias (UAH) to then be considerably reduced to UAH 90,983,077 (equivalent, under the present-day exchange rate, to about 19.5 million and 8.2 million euros respectively).

Repetitive cases

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

Staszkow v. France (no. 52124/08)

The applicant, who lives in Kourou (French Guiana), was the subject of an order, made by the Cayenne District Court on 19 June 1998, for the termination of his lease and for his eviction from his home. He relies on Article 6 §§ 1 and 3 (c) (right to a fair hearing and right to legal assistance) and Article 13 (right to an effective remedy).

Wagner v. Luxembourg (no. 43490/08)

The applicant, a company manager who was the owner of a vehicle stopped by customs officers and found to be more than 10% over its maximum permissible weight, but was not driving the vehicle himself, was initially fined 750 euros and was informed several months later that points had been deducted from his driving licence. Relying on Article 6 (right to a fair trial), the applicant alleges that the procedure for the deduction of points infringed his right to a fair hearing.

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of legal proceedings.

Criminal

Kyrylyuk v. Ukraine (no. 32241/07)

This case concerns the applicant's complaint about the excessive length of criminal proceedings brought against him for fraud.

Non-criminal

Ponomarenko v. Ukraine (no. 1071/08)

Shchurov v. Ukraine (no. 5050/07)

Zhuzha v. Ukraine (no. 595/08)

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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.