



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 30 judgments on Thursday 3 November 2011.

*Press releases and texts of the judgments will be available at **10 a.m.** (local time) on the Court's website (www.echr.coe.int)*

[X and Y v. Croatia \(application no. 5193/09\)](#)

The case concerns proceedings brought by the social services to divest a mother (X) and daughter (Y) of their legal capacity. X and Y are Croatian nationals who were born in 1923 and 1948, respectively. X, bedridden and suspected to be suffering from dementia, was first appointed a guardian in July 2006 and was divested of her legal capacity in August 2008; she alleges that those proceedings were unfair as she had not been notified of them and had therefore not been heard by a judge or been able to give evidence. In September 2008 the social services then also brought proceedings, which are currently still pending, to divest her daughter of legal capacity. The social services considered that, suffering from muscular dystrophy and mental health problems (including a period of psychiatric internment), she was incapable of looking after herself. She was also possessive towards her mother and constantly complained about her treatment in the care home, making unrealistic demands such as a single room. Y alleges that there had been no need to bring such proceedings or appoint her a guardian as she led an independent life, living alone, paying her own bills and organising her medical appointments and social life. The applicants rely on Article 6 § 1 (right to a fair hearing), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights.

[Cocaign v. France \(no. 32010/07\)](#)

The applicant, Nicolas Cocaign, is a French national who was born in 1971 and is currently held in Fresnes Prison. He suffers from severe psychiatric problems. In 2006 he was imprisoned for attempted rape committed using a weapon. In the night of 2 to 3 January 2007 he killed a fellow-inmate before cutting open his chest and eating part of his lungs. Following an investigation by the prison authorities, two sets of proceedings were opened, one disciplinary, the other criminal. The applicant was sentenced to 30 years' imprisonment, with a minimum term of 20 years and an obligation to undergo treatment for eight years. He was also sentenced to 45-days' confinement in a disciplinary cell by the disciplinary board of Bois d'Arcy Prison. Relying on Article 6 § 1 (right to a fair trial) of the Convention, he alleges that the disciplinary board did not fulfil the conditions of independence and impartiality prescribed by that Article. Further relying on Article 3 (prohibition of torture and inhuman or degrading treatment) he alleges that his confinement in a disciplinary cell and continued detention constitute inhuman or degrading treatment in view of his psychiatric condition. He also relies on Article 13 (right to an effective remedy) and complains that he was unable to have examined by a court his complaint about the damage caused to his human dignity by the disciplinary sanction imposed on him.

[Litwin v. Germany \(no. 29090/06\)](#)

The applicant, Günther Paul Litwin, is a stateless person who was born in 1958 and lives in Fulda (Germany). Convicted of aggravated extortion, robbery and dangerous bodily

harm, he was sentenced to nine-and-a-half years' imprisonment in November 2000. Relying in particular on Article 6 § 1 (right of access to court), he complains that the trial court pressured him into waiving his right to appeal with the threat of a longer (14-year) sentence.

[Dimitras and Others v. Greece \(no. 2\) \(nos. 34207/08 and 6365/09\)](#)

The applicants, Mr Panayote Dimitras, Mr Grigoris Vallianatos and Mrs Nafsika Papanikolatou, are Greek nationals. They are statutory representatives of the International Helsinki Foundation, a non-governmental organisation working for the defence of human rights. In that capacity they took part in a number of criminal cases as witnesses. At each hearing the competent judicial authority would ask the applicants to place their right hand on the Bible and take the oath. The applicants would then inform the judicial authorities that they were not Orthodox Christians and would make a solemn declaration instead. Relying on Articles 9 (right to freedom of thought, conscience and religion) and 13 (right to an effective remedy), they complain that on a number of occasions when taking the oath at court hearings, they were obliged to reveal their religious beliefs, and that there was no remedy in domestic law by which to have this complaint examined.

[Fratanoló v. Hungary \(no. 29459/10\)](#)

The applicant, János Fratanoló, is a Hungarian national who was born in 1952 and lives in Pécs (Hungary). A member of the Hungarian Workers' Party 2006 (*Munkáspárt 2006*), he complains about his conviction for wearing the five-pointed red star – considered a totalitarian symbol by the Hungarian courts – at a demonstration on 1 May 2004 to celebrate International Workers' Day and Hungary's accession to the European Union. He relies on Article 10 (freedom of expression).

[Károly Hegedűs v. Hungary \(no. 11849/07\)](#)

The applicant, Károly Hegedűs, is a Hungarian national who was born in 1947 and lives in Budapest. In May 1992 he had criminal proceedings brought against him on suspicion of fraud and forgery. He was ultimately acquitted in November 2006. Relying on Article 6 § 1 (right to fair trial within a reasonable time) and Article 1 of Protocol No. 1 (protection of property), he complains about the excessive length – 14 years – of the criminal proceedings against him and that, during that period, his assets – a car and house – were frozen.

[Arvelo Aponte v. the Netherlands \(no. 28770/05\)](#)

The applicant, Diana Begilia Arvelo Aponte, is a Venezuelan national who was born in 1964 and currently lives in Amsterdam. She arrived in the Netherlands in 2000 as a tourist. She started a relationship with a Dutch national whom she subsequently married. They had a son in 2004. Relying on Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy), she complains about the Government's refusal to grant her a residence permit on account of a previous conviction for a drugs offence in Germany.

[Stokłosa v. Poland \(no. 32602/08\)](#)

The applicant, Henryk Stokłosa, is a Polish national who was born in 1949 and lives in Śmiłowo (Poland). A former long-serving member of the Senate and a prosperous businessman, he had criminal proceedings brought against him on charges of bribing high-ranking officials of the Ministry of Finance and a judge. Relying on Article 5 § 3 (right to liberty and security), he complains that the assessor who remanded him in custody on those charges in December 2007 was not independent from the executive

and therefore could not be considered "a judge" or "other officer authorised by law to exercise judicial power".

[Żebrowski v. Poland \(no. 34736/06\)](#)

The applicant, Kazimierz Żebrowski, is a Polish national who was born in 1928 and lives in Szczytno (Poland). Following the collapse of the communist regime, Mr Żebrowski brought a compensation claim in 2003 under the State Liability Act (1956) for acts of Stalinist repression committed against his family in 1946 (their farm was burned down and his brother and father imprisoned). Relying on Article 6 § 1 (access to court), he complains that his claim was rejected as time-barred because he had not respected the one-year time-limit for submitting claims provided for by the Liability Act and which the courts considered as starting to run from 1989 when the communist system collapsed and fears about bringing such a case would therefore have been allayed.

[M.B. v. Romania \(no. 43982/06\)](#)

The applicant, Miss M.B., is a Romanian national who was born in 1969 and lives in Alexandria. She suffers from a serous form of psychosis, which makes her unfit for work and prevents her from being autonomous. On 19 July 1999, she left her parents' house alone and came back later with various visible injuries, alleging she had been raped. The next day her mother filed a criminal complaint. The applicant was examined by a doctor from the forensic medical laboratory who noted signs of sexual intercourse and numerous bruises. A neighbour was suspected and questioned by the police. He admitted that he had had sex with the applicant but claimed that it had been consensual. Following various court proceedings he was acquitted for lack of evidence. The police continued their investigations but were unsuccessful. In July 2009 the public prosecutor's office informed the applicant's parents that the case had been closed as the time-limit for prosecution had expired. Relying on Articles 6 (right to a fair trial) and 13 (right of access to a court and right to an effective remedy) she alleges that the national authorities have failed to conduct an effective investigation into the rape to which she was subjected.

[Aleksandra Dmitriyeva v. Russia \(no. 9390/05\)](#)

The applicant, Aleksandra Dmitriyeva, is a Russian national who was born in 1946 and lives in St Petersburg (Russia). She is disabled. She alleges that she was beaten, knocked to the floor and dragged down two flights of stairs on 8 December 2001 by policemen who had come to her flat to invite her son for questioning. She had intervened, blocking the door to her son's room where he had locked himself in. Taken to the local police station, she was released the next day without being brought before a judge or otherwise interrogated. Relying on Article 3 (prohibition of inhuman or degrading treatment), she complains about the ill-treatment to which she was subjected by the police as well as the ensuing lack of an effective investigation into the incident. Further relying on Article 3, she also complains about the conditions in the cell for administrative detainees where she was kept for about 20 hours without food, a bed or medical care for the injuries sustained during her arrest. She also alleges that her arrest and detention as well as the policemen's entry into her flat were unlawful. She relies on Articles 5 (right to liberty and security), 8 (right to respect for private and family life) and 13 (right to an effective remedy).

[Vanfuli v. Russia \(no. 24885/05\)](#)

The applicant, Vladimir Vanfuli, is a Russian national who was born in 1974 and lives in the town of Chita in the Zabaykalskiy Region (Russia). He alleges that on 3 October 2002 the police punched and kicked him all over his body and put a plastic bag over his head in order to make him confess to committing some motorway robberies (which consisted in flagging down cars and, armed with a grenade and gun, forcing the

occupants to make payment for “safe passage” through the region). He was subsequently convicted in August 2004 of aggravated robbery and sentenced to nine years’ imprisonment. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the ill-treatment to which he was subjected during his police custody and that the ensuing investigation into his complaint was ineffective. Further relying on Article 6 (right to a fair trial), he also alleges that the criminal proceedings against him had numerous shortcomings, notably failure to provide him with a lawyer during his police custody as well as to ensure attendance of key prosecution witnesses at his trial, meaning that his conviction was essentially based on evidence he could not challenge.

[Šorgić v. Serbia \(no. 34973/06\)](#)

The applicant, Sava Šorgić, is a Serbian national who was born in 1962 and lives in Sopot (Serbia). The case concerns Mr Šorgić’s complaint about the excessive length of inheritance proceedings with respect to his deceased father’s flat which, initially brought in May 1995, are still pending. He also complains about the composition of the courts in a parallel civil suit brought in 2000, which he claims raised doubts as to the judges’ impartiality. He relies on Article 6 § 1 (right to a fair trial within a reasonable time).

[Bruncko v. Slovakia \(no. 33937/06\)](#)

The applicant, Ján Bruncko, is a Slovak national who was born in 1981 and lives in Dolný Kubín (Slovakia). Remanded in custody in February 2004 on robbery charges, he complains that his continued detention from January 2005 was not lawful as there had been no judicial decision to extend it. He relies on Article 5 § 1 (right to liberty and security).

[Dülek and Others v. Turkey \(no. 31149/09\)](#)

The applicants are Turkish nationals who were born in 1957, 1988, 1981, 1978, 1949, 1980 and 1982 respectively. They are the mother, father and brothers and sisters of Bayram Dülek, who died on 19 June 2006 during his compulsory military service. Before starting his military service the deceased had undergone a medical examination, part of which was of a psychological nature. The doctors diagnosed a dysthymic disorder and medical treatment was prescribed. He was nevertheless declared fit for military service and he started it on 26 May 2006. Between 30 May and 16 June 2006, Bayram was examined four times by various doctors, who noted that he had suicidal tendencies. As a result, a transfer to Izmir hospital was scheduled for 19 June 2006, but on that day Bayram was found dead; he had hanged himself in the toilets of the barracks. Relying on Article 2 (right to life), the applicants allege that the military authorities did not take the necessary measures to protect Bayram’s life.

[Kuşçuoğlu v. Turkey \(no. 12358/06\)](#)

The applicant, Irem Kuşçuoğlu, is a Turkish national who was born in 1966 and lives in Istanbul (Turkey). She gave birth to a child on 5 March 1999. Born out of wedlock, the boy was recognised by his father, as recorded by a notary. The applicant left the child’s father, with whom she had been cohabiting, and applied for an injunction to exclude him from coming within a certain distance of the family home. The injunction was granted for three months. Her ex-partner nevertheless managed to abduct the child on four occasions, whilst the child was in the custody of its mother. She brought proceedings in order, in particular, to obtain sole parental authority and arrangements for the father’s right of access. Relying on Article 8 (right to respect for private and family life), she complains that the domestic authorities failed to take a decision on the granting of parental authority and argues, in particular, that the length of the judicial proceedings caused damage to her relations with her son. She also criticises the authorities for not taking the necessary measures to prevent her child being abducted.

[Antonov v. Ukraine \(no. 28096/04\)](#)

The applicant, Viktor Antonov, is a Ukrainian national who was born in 1940 and lives in Kirove (Dzerzhynsk). His 27-year old son, Igor, was killed when he was hit by a car on an intercity motorway while he was hitchhiking. Relying in particular on Article 2 (right to life), Mr Antonov alleges that the authorities failed to take all reasonable measures to establish whether the driver of the car which hit his son had been at fault for his death.

[Balitskiy v. Ukraine \(no. 12793/03\)](#)

The applicant, Andrey Balitskiy, is a Ukrainian national who was born in 1979 and lives in Kharkiv. Mr Balitskiy was convicted of murder in June 2002 and sentenced to 15 years' imprisonment. Relying on Article 6 §§ 1 and 3 (right to a fair trial), Mr Balitskiy alleges that his conviction was based on self-incriminating statements obtained under duress during his police custody and without the presence of a lawyer, and that the courts did not question important witnesses during his trial.

Repetitive cases

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

Norma S.R.L. v. Moldova (no. 38503/08)

Stog and Others v. Moldova (nos. 6811/08, 6934/08, 9212/08 and 12199/08)

These cases concern the failure to execute judicial decisions that have become final. The applicants rely on Article 6 (right of access to a court) and Article 1 of Protocol No. 1 (protection of property). As regards the second case, the third and fourth applicants also rely on Article 13 (right to an effective remedy).

RJ Import Roger Jaeger A.G. and RJ Import Bucureşti S.A. v. Romania (no. 19001/05)

In this case the applicants complain of non-enforcement of a final judgment in their favour concerning a dispute with a State-owned company over a contract for industrial equipment. They rely on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

Bertan v. Turkey (no. 10457/08)

Dinçer and Others v. Turkey (no. 10435/08)

İşcan v. Turkey (no. 10450/08)

Işık and Others v. Turkey (no. 10434/08)

Kalın and Bilgin v. Turkey (no. 4562/08)

Kemal Turhan v. Turkey (no. 4397/08)

Meyrem Gültekin and Others v. Turkey (no. 10458/08)

Naci Akkuş and Necmi Akkuş v. Turkey (no. 10443/08)

Necati Erol v. Turkey (no. 4387/08)

The nine cases above concern the applicants' complaints about delayed enforcement of judgments awarding them compensation for land expropriated to build a motorway. The applicants rely on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

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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.