



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 12 judgments on Tuesday 21 February 2012 and four on Thursday 23 February 2012.

*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 21 February 2012

[Abil v. Azerbaijan \(application no. 16511/06\)](#)

The applicant, Baybala Alibala oglu Abil, is an Azerbaijani national who was born in 1952 and lives in Baku. He stood as an independent candidate for the elections to the National Assembly (parliament) of 6 November 2005. His registration as a candidate was cancelled in October 2005 by the Court of Appeal which found that he had offered money to voters in exchange for their votes in his favour. Relying on Article 3 of Protocol No. 1 (right to free elections) of the European Convention on Human Rights and Article 13 (right to an effective remedy), Mr Abil complains that his registration as a parliamentary elections candidate had been cancelled arbitrarily.

[Khanhuseyn Aliyev v. Azerbaijan \(no. 19554/06\)](#)

The applicant, Khanhuseyn Gulhuseyn oglu Aliyev, is an Azerbaijani national who was born in 1958 and lives in Baku. Having stood for the elections to the National Assembly of November 2005, his registration as a candidate was cancelled by the courts in October 2005 on request of the electoral commission, finding that he had offered money to voters in exchange for their votes. Relying in particular on Article 3 of Protocol No. 1 (right to free elections) of the Convention, he complains that his registration was cancelled arbitrarily and was based on fabricated evidence. He further maintains that he was informed of the electoral commission's request only on the day of the relevant court hearing.

[Buzilo v. Republic of Moldova \(no. 52643/07\)](#)

The applicant, Serghei Buzilo, is a Moldovan national who was born in 1972 and lives in Chişinău. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains that, in November 2006, the police beat him severely in a police station to which he was taken on suspicion of theft, and that there was no effective investigation into his related complaints.

[Boucke v. Montenegro \(no. 26945/06\)](#)

The applicants, Snežana Boucke and Kristina Boucke, are mother and daughter (born out of wedlock) who are both dual Serbian and German nationals born respectively in 1951 and 1988 and living in Kruševac (Serbia). Relying in particular on Article 6 § 1 (enforcement of a final judgment), they complain that two judgments, which became final in 1998 and 2005 respectively, and which ordered the father of Kristina Boucke to pay child maintenance, were never enforced.

[Gašior v. Poland \(no. 34472/07\)](#)

The applicant, Wanda Gašior, is a Polish national who was born in 1931 and lives in Kraków (Poland). In August 2006 she was found guilty of defamation, and ordered to

publish an apology, because of having written two letters in which she complained that a prominent politician had not paid her son-in-law's company for the construction of his villa. She relies on Article 10 (freedom of expression and information).

[Ruprecht v. Poland \(no. 39912/06\)](#)

The applicant, Marek Ruprecht, is a Polish national who was born in 1969 and is currently detained in Sztum Remand Centre (Poland). Arrested in May 1998 on suspicion of homicide and robbery, he complains under Article 5 § 3 (right to liberty and security) that he had been detained awaiting trial for too long. Relying further on Article 8 (right to respect for private and family life and correspondence), he complains that the prison authorities censored his correspondence with his family and that he was only allowed visits once a month, during which he was separated from his visitors with a glass partition and could only speak to them via an interphone.

[Antonescu v. Romania \(no. 31029/05\)](#)

The applicant, Ion Antonescu, is a Romanian national who was born in 1950 and lives in Bucharest. He was appointed State Secretary for Culture in 2001. The case concerns a circular letter written by him in January 2004 that was the subject of newspaper articles. In the letter the applicant asked the directors of the forty-two State-run theatres in Romania to seek information from Mr I.C., former Minister of Culture and President of the National Association for Theatre Professionals ("Uniter"), about the use of funds collected by Uniter from those theatres and other public and private institutions in connection with support programmes for the performing arts. I.C. filed a criminal complaint for defamation, because it was alleged in the letter that Uniter was guilty of embezzlement. Relying on Article 10 (freedom of expression), the applicant complains about his conviction by the courts for impugning the honour of I.C.

[Karrer v. Romania \(no. 16965/10\)](#)

The applicants, Alexander Hannes Karrer and Alexandra Bianca Karrer, are Austrian nationals. The first applicant was born in 1982 and lives in Furstenfeld, Austria. He is the father of the second applicant, who was born in 2006 and lives at an unspecified address in Romania. In February 2008 Alexandra's mother applied in Austria for divorce from Mr Karrer. In September 2008, both Alexandra Karrer and her mother left Austria for Romania while the custody proceedings in respect of Alexandra were still pending. In September 2008, Mr Karrer requested the return of his daughter to Austria claiming that she had been removed unlawfully. In a final judgment of July 2009, the Romanian courts found that Alexandra Karrer's return to Austria would expose her to physical and psychological harm. Relying in particular on Article 8 (right to respect for private and family life), both applicants complain about the court proceedings in Romania and more specifically that they had not been conducted quickly enough, and that Alexandra's father was not heard by the courts.

[S.C. Bartolo Prod Com S.R.L. and Botomei v. Romania \(no. 16294/03\)](#)

The applicants are a Romanian private limited-liability company set up in 1994, S.C. Bartolo Prod Com. S.R.L., based in Bacău, and a Romanian national, Mr V. Botomei, director and statutory representative of that company. Bacău town council authorised the applicant company to sell food on commercial premises belonging to the company. Relying on Article 6 § 1 (right of access to a court), the applicants complain about the subsequent refusal to renew the company's operating authorisation. On the basis of Article 1 of Protocol No. 1 (protection of property) they allege that the demolition upon the town council's orders of buildings they used for storage that were adjacent to the commercial premises breached their right to the peaceful enjoyment of their property.

[Tuşalp v. Turkey \(nos. 32131/08 and 41617/08\)](#)

The applicant, Erbil Tuşalp, is a Turkish national who was born in 1945 and lives in İzmir (Turkey). He is a journalist-columnist and author of a number of books. Relying in particular on Article 10 (freedom of expression), he complains about the civil courts ordering him to pay damages for defamation on account of the publication of two articles, in December 2005 and May 2006 respectively, in a newspaper criticising the then Turkish Prime Minister.

Length-of-proceedings cases

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

Nikolov and Others v. Bulgaria (nos. 44184/05, 22250/06 and 37182/07)

Braun v. Turkey (no. 10655/07)

Thursday 23 February 2012

[G. v. France \(no. 27244/09\)](#)

The applicant, M.G., is a French national who was born in 1974. Suffering from a chronic schizophrenic-type mental disorder with hallucinations, delusions and aggressive and addictive behaviour, he is currently held in a hospital unit in Marseille. On 21 May 2005 he was imprisoned after he caused damage in a psychiatric hospital. On his arrival at the prison he set fire to his mattress. When placed in a cell with another inmate, on 16 August 2005, a fire broke out in the cell and the inmate died four months later from his injuries. The applicant was placed under judicial investigation for arson aggravated by constructive manslaughter and was subsequently found by the Bouches-du-Rhône Assize Court to lack criminal responsibility. M.G. alleges under Articles 3 and 6 § 1 that the conditions of his appearance before the Assize Court constituted inhuman and degrading treatment; he argues that the medical experts' reports finding him fit to stand trial should have been ignored. He also complains that he was deprived of medical treatment between 2005 and 2009, whereas his disorder required psychiatric treatment in a hospital. His return to prison upon the slightest improvement in his condition constitutes, in his view, inhuman and degrading treatment.

[Klishyn v. Ukraine \(no. 30671/04\)](#)

The applicant, Sergey Klishyn, is a Ukrainian national who was born in 1985 and lives in the town of Konotop (Ukraine). Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains that the police beat him in a police station in November 2003 where they took him following an individual's complaint that Mr Klishyn had stabbed him with a knife; he also complains under Article 3 that no effective investigation was carried out into his related complaints. Relying further on Article 5 §§ 1, 4 and 5 (right to liberty and security), Mr Klishyn complains that his arrest on 22 November 2003 and his subsequent detention had been unlawful.

[Trosin v. Ukraine \(no. 39758/05\)](#)

The applicant, Oleg Trosin, is a Ukrainian national who was born in 1968 and is currently serving a life sentence for murder in a Ukrainian prison. Relying on Article 8 (right to respect for private and family life) and Article 34 (right of individual petition), he complains about the restrictions imposed on his family visits following his conviction in April 2005, and about the prison authorities monitoring his correspondence with the European Court of Human Rights.

Repetitive cases

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

Kravchenko v. Ukraine (no. 49122/07)

The applicant in this case complains about his detention being extended by nearly two years without a court order. He relies on Article 5 § 1 (c) (right to liberty and security).

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe to the [Court's RSS feeds](#).

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

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

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

Céline Menu-Lange (tel: + 33 90 21 58 77)

Nina Salomon (tel: + 33 3 90 21 49 79)

Denis Lambert (tel: + 33 3 90 21 41 09)

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.