



Judgments concerning Germany, Slovenia and Ukraine

The European Court of Human Rights has today notified in writing the following four judgments, none of which are final.

Length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release.

Hümmer v. Germany (no. 26171/07)

The applicant, Lars Hümmer, is a German national who was born in 1978 and lives in Bayreuth (Germany). Placed in a psychiatric hospital for two counts of assault occasioning grievous bodily harm by a court decision of February 2005, he complained that neither he nor his counsel had been able to examine the main witnesses against him at any stage of the proceedings. The witnesses, family members of the applicant, had made use of their right not to testify in court. Their pre-trial testimonies were, however, introduced at the trial by the testimony of an investigating judge who had heard the witnesses at the investigative stage in the absence of the applicant and counsel. Mr Hümmer relied on Article 6 §§ 1 and 3 (d) (right to a fair trial; right to obtain attendance and examination of witnesses).

Violation of Article 6 § 1 in conjunction with Article 6 § 3 (d)

Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 4,150 (costs and expenses)

Sievert v. Germany (no. 29881/07)

The applicant, Lars Sievert, is a German national who was born in 1974 and lives in Cologne (Germany). A police officer at the time, he was convicted in July 2003 of inflicting bodily harm causing death while exercising a public office and sentenced to a suspended prison term of one year and four months. Relying on Article 6 §§ 1 and 3 (b) and (d) (right to a fair trial; right to adequate time and facilities for preparation of defence; right to obtain attendance and examination of witnesses), he complained that neither he nor his counsel had been able to examine the main witnesses against him at any stage of the proceedings. In the course of his trial, these witnesses had answered questions by the court and the prosecution in the presence of the applicant and counsel, but then made use of their right not to answer questions by the defence with a view not to incriminating themselves.

No violation of Article 6 § 1 in conjunction with 6 § 3 (b) and (d)

Aleksakhin v. Ukraine (no. 31939/06)

The applicant, Sergey Aleksakhin, is an Ukrainian national who was born in 1970 and lives in Kharkiv (Ukraine). Arrested on 14 April 1998 at a bus stop for allegedly fighting with other young men and taken to the local police station for questioning, he alleged that a police officer had handcuffed him to a metal ring in the wall and, spraying tear gas in his face, kicked and beaten him in the head, neck, chest and back. Released the next day, he was then hospitalised for about a month suffering from various injuries to his body as well as concussion and a fractured bone in the neck. Relying in particular on Article 3 (prohibition of torture and inhuman or degrading treatment), he alleged that he

had been subjected to an unjustified use of force which amounted to torture and that, in the ensuing criminal proceedings, it had taken the courts seven years to convict the police officer to what ended up being a lenient sentence and, in his civil compensation claim, he was only awarded 7,600 euros.

Violation of Article 3 (torture + investigation)

Just satisfaction: EUR 20,000 (non-pecuniary damage) and EUR 4,144 (costs and expenses)

Length-of-proceedings cases

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

Jama (III) v. Slovenia (no. 48163/08)

Violation of Article 6 § 1

Violation of Article 13

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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.