



Judgments concerning Armenia, Bulgaria, Italy, the Republic of Moldova, Romania, Russia, Serbia, and Slovakia

The European Court of Human Rights has today notified in writing the following 15 judgments, of which six (in italics) are Committee judgments and are final. The others are Chamber judgments¹ and are not final.

Repetitive cases² and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release. The judgments in French are indicated with an asterisk (*).

Martirosyan v. Armenia (application no. 23341/06)

The applicant, Vahagn Martirosyan, is an Armenian national who was born in 1969 and lives in Vanadzor (Armenia). He was the former manager of the regional branch of a bank and was convicted of abetting embezzlement and of falsification of documents, and sentenced to two years and six months' imprisonment in November 2005. Relying in particular on Article 7 (no punishment without law) of the European Convention on Human Rights, he complained that his conviction had been based on an unforeseeable application of the law, as the relevant provision of the new criminal code, which had entered into force while the proceedings against him had been pending, had lacked legal certainty.

No violation of Article 7

Pashov and Others v. Bulgaria (no. 20875/07)

The applicants, Pavel Pashov, Elena Lazova, and Konstantin Nikolov, are Bulgarian nationals who were born in 1944, 1970 and 1946 respectively and live in Sofia. The case concerned their complaint about the authorities' failure to investigate their allegation that they had been beaten with batons by the police in January 1997 when a rally taking place in front of the Parliament Building in Sofia had turned violent. Relying in particular on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 1 of Protocol No. 1 (protection of property), they complained about the excessive length of the tort proceedings they had brought claiming damages for being ill-treated and the prolonged non-enforcement of the ensuing judgment in their favour.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 2,000 to each applicant (non-pecuniary damage) and EUR 800 jointly to the three applicants (costs and expenses)

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

Ipai v. Republic of Moldova (no. 55408/07)

The applicant, Gheorghe Ipai, is a Moldovan national who was born in 1954 and lives in Pruncul (Republic of Moldova). The case concerned his complaint that he had been ill-treated in police custody in September 2006 in order to make him confess to theft and that the authorities' ensuing investigation into his allegation had been ineffective. He also complained about the inhuman conditions of his detention following a subsequent arrest, notably on account of severe overcrowding. He relied on Article 3 (prohibition of torture and of inhuman or degrading treatment). Further relying on Article 8 (right to respect for private and family life and for correspondence), he also alleged that his correspondence with his lawyer as well as judicial and prosecuting authorities had been censored by the prison authorities.

Violation of Article 3 (ill-treatment and investigation)

Violation of Article 3 (conditions of detention)

Violation of Article 8 (correspondence)

Just satisfaction: EUR 9,000 (non-pecuniary damage) and EUR 1,500 (costs and expenses)

Andrey Gorbunov v. Russia (no. 43174/10)

The applicant, Andrey Gorbunov, is a Russian national who was born in 1970 and is serving a five year and three month prison sentence in the Kurgan Region (Russia) for drug trafficking. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained about inadequate medical care in detention, especially in view of the fact that he suffered from heart disease. In particular, he alleged that he was in need of surgery and that the authorities had put his life at risk by refusing to let him be transferred to a specialised cardiac hospital in Moscow.

Violation of Article 3 (inadequate medical care)

Just satisfaction: EUR 7,500 (non-pecuniary damage)

Bakoyev v. Russia (no. 30225/11)

The applicant, Bafokul Bakoyev, is an Uzbek national who was born in 1953 and currently lives in Moscow. On an international wanted list for large-scale fraud in Kyrgyzstan, he was arrested in June 2010 in Moscow when on a business trip and placed in custody with a view to his extradition to Kyrgyzstan. Released in June 2011, he was however remanded in custody again pending his extradition to Uzbekistan where he was also wanted on fraud charges. Most recently he was released in June 2012 on the undertaking that he would not leave his place of residence. His application for refugee status in Russia was rejected in May 2011. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Bakoyev had initially complained that, if extradited to Kyrgyzstan, he would be at risk of ill-treatment and an unfair trial; his subsequent complaint was identical but concerned his extradition to Uzbekistan. He also complained under Article 5 § 1 (f) (right to liberty and security) about the unlawfulness as well as the excessive length of his detention pending extradition.

No violation of Article 3 (in the event of the applicant's extradition to Uzbekistan)

Violation of Article 5 § 1 (lawfulness of the applicant's detention from 2 June to 28 July 2011 and from 2 September to 30 October 2011)

No violation of Article 5 § 1 (lawfulness of the applicant's detention from 29 July until 31 August 2011 and from 31 October 2011 until 1 June 2012)

No violation of Article 5 § 1 (f) (detention with a view to extradition to Uzbekistan)

The Court further decided to lift the interim measure indicated to the Government under Rule 39 of the Rules of the Court on 18 May 2011 and to continue to indicate to the Government under the same Rule that it was desirable in the interests of the proper conduct of the proceedings not to extradite the applicant to Uzbekistan until the judgment became final or until further order.

Just satisfaction: EUR 5,000 (non-pecuniary damage) and EUR 3,000 (costs and expenses)

Bubnov v. Russia (no. 76317/11)

The applicant, Vasiliy Bubnov, is a Russian national who was born in 1982 and is currently serving a 13-year prison sentence for murder and attempted murder in a correctional colony in the Kaliningrad region (Russia). He has HIV and hepatitis infections. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained about inadequate medical care in detention and alleged that the authorities' refusal to release him, despite his very poor health, had amounted to extreme physical and mental suffering.

No violation of Article 3

Gurenko v. Russia (no. 41828/10)

The applicant, Georgiy Gurenko, is a Russian national who was born in 1941 and lived in the Kursk Region (Russia). Convicted of manslaughter and sentenced to eight years' imprisonment in December 2006, he complained of the lack of adequate medical care during his pre-trial detention in Kursk from January 2006 and during his detention in a correctional colony in the Kursk Region from December 2006 until his release in April 2012. Suffering from a serious heart condition, he maintained in particular that his medical care had been ineffective, as he had never been examined by a cardiologist, and that the prison medical personnel had only given him symptomatic treatment. He relied on Article 3 (prohibition of torture and of inhuman or degrading treatment).

Violation of Article 3 (inadequate medical care)

Just satisfaction: EUR 15,000 (non-pecuniary damage)

Mkhitaryan v. Russia (no. 46108/11)

The applicant, Telman Mkhitaryan, is a Russian national who was born in 1947 and lived until his arrest in the city of Velikiy Novgorod (Russia). Wanted on suspicion of organising a criminal group and committing two counts of aggravated extortion, he was extradited from Armenia, where he was undergoing medical treatment, to Russia in October 2010 and subsequently admitted to a prison hospital in St. Petersburg on account of his serious heart condition. The criminal case against him is still pending. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained about the inadequacy of his medical care in detention, which had led to a serious deterioration in his health and severe suffering. He further complained, under Article 5 § 3 (right to liberty and security), of the length of his pre-trial detention and alleged that the orders for his detention had not been founded on sufficient reasons. Finally, relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), he maintained that his complaints against the detention orders had not been speedily examined by the appeal court.

Violation of Article 3 (inadequate medical care)

No violation of Article 5 § 3

Violation of Article 5 § 4

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 7,000 (costs and expenses)

Otašević v. Serbia (no. 32198/07)

The applicant, Radojica Otašević, is a Serbian national who was born in 1934 and lives in Sombor (Serbia). He is an animal welfare activist. The case concerned his allegation that he had been kicked and punched by the police following his arrest in August 2003 for getting into a fight during a rescue operation for stray dogs at Sombor dog pound. Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), he alleged ill-treatment as well as an ineffective investigation into his allegation.

No violation of Article 3

Repetitive cases

The following cases raised issues which had already been submitted to the Court.

Bashikarova and Others v. Bulgaria (no. 53988/07)

The case concerned the effects of restitution on third parties. The applicants complained of being deprived of their property arbitrarily, without adequate compensation, and of the excessive length of the related civil proceedings. They relied in particular on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy).

Violation of Article 6 § 1 (as regards the first and second applicants)

Violation of Article 13 (as regards the first and second applicants)

Rubortone v. Italy (no. 24891/03)*

Rubortone and Caruso v. Italy (no. 24892/03)*

In these two cases the applicants complained about the expropriation of their land for the construction of a road, and about the length of the proceedings. They relied on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair hearing within a reasonable time).

Violation of Article 1 of Protocol No. 1 (in the two cases)

Violation of Article 6 § 1 (in the two cases)

Length-of-proceedings cases

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

Apahideanu v. Romania (no. 4998/02)

DMF, a. s. v. Slovakia (no. 27082/09)

Hauser v. Slovakia (no. 12583/09)

Violation of Article 6 § 1 (in the three cases)

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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.