



## Judgments concerning Armenia, Austria, Bulgaria, Romania, Russia, Slovakia, and Turkey

The European Court of Human Rights has today notified in writing the following 14 judgments, of which six (in *italics*) are Committee judgments and are final. The others are Chamber judgments<sup>1</sup> and are not final.

Repetitive cases<sup>2</sup> 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 (\*).

*The Court has also delivered today judgments in the cases of B. (no. 2) v. Romania, Gani v. Spain, and García Mateos v. Spain, for which [separate press releases](#) have been issued.*

### Melikyan v. Armenia (application no. 9737/06)

The applicant, Emiliya Melikyan, is an Armenian national who was born in 1949 and lives in Yerevan. In 2004 she wished to acquire shares in the State company for which she was working at the time, which was to be privatised. Together with other employees of the company, she brought court proceedings contesting the legality of the Government decree concerning the privatisation, which stipulated that the shares were to be sold to a certain third party. Relying in particular on Article 6 § 1 (access to court) of the European Convention on Human Rights, Ms Melikyan complained that she had been deprived of the right to challenge the legality of the decree before the Armenian courts, as they had refused to examine the claim on the merits.

#### Violation of Article 6 § 1

**Just satisfaction:** EUR 3,600 (non-pecuniary damage)

### Petko Petkov v. Bulgaria (no. 2834/06)

The applicant, Petko Iliev Petkov, is a Bulgarian national who was born in 1972 and lives in Haskovo (Bulgaria). Mr Petkov brought proceedings in 2003, following his father's death, claiming his right to a share in his late father's estate, inherited by Mr Petkov's uncle. In a final judgment in January 2005, the Supreme Court of Cassation dismissed Mr Petkov's claims, holding that he had not complied with the statutory requirements as he had not drawn up an inventory of the property claimed. Relying in particular on Article 6 § 1 (right to a fair hearing), Mr Petkov complained that his claim had been dismissed exclusively on the basis of new case-law which had not been accessible to him.

#### Violation of Article 6 § 1

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

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

**Just satisfaction:** EUR 1,000 (non-pecuniary damage) and EUR 1,056 (costs and expenses)

### Ciolan v. Romania (no. 24378/04)\*

The applicant, Gheorghe Ciolan, is a Romanian national who was born in 1952 and lives in Baditesti (Romania). Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he complained about the poor conditions of his detention both at the Mehedinți police station and at the Drobeta Turnu Severin and Craiova prisons. In particular, he complained of prison overcrowding, one result of which had been that he had had to share his bed with other detainees.

**Violation of Article 3** (conditions of detention)

**Just satisfaction:** EUR 5,400 (non-pecuniary damage)

### Vasiliy Vasilyev v. Russia (no. 16264/05)

### Zuyev v. Russia (no. 16262/05)

The applicants in these two cases, Vasiliy Vasilyev and Roman Zuyev, are Russian nationals who were born in 1960 and 1977, respectively, and lived until their arrest in Vladimir (Russia). Both applicants were found guilty of having participated in a gang rape in October 2004, and they were each sentenced in April 2006 to five years' imprisonment and a fine. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), both applicants complained of the conditions of their pre-trial detention in a temporary detention facility from November 2004 (both applicants) to May 2006 (Mr Vasilyev) and August 2006 (Mr Zuyev), alleging in particular severe overcrowding, poor sanitary conditions, insufficient lighting and inadequate food. Relying on Article 5 § 1 (right to liberty and security), the applicants also complained that their detention from January to July 2005 had been unlawful as it had not been based on a legal order. Mr Zuyev further complained, under Article 5 § 2 (right to be informed promptly of the reasons for one's arrest), that he had not been promptly informed of the charges against him. Both applicants also alleged violations of their rights under Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), maintaining in particular that their requests for release and their appeals against several detention orders had not been examined promptly by the courts.

**Violation of Article 3** (conditions of detention)

**Violation of Article 5 § 1** (detention between 12 and 25 January 2005)

**No violation of Article 5 § 1** (detention between 25 January and 13 July 2005)

**Violation of Article 5 § 2** – as regards Mr Zuyev

**No violation of Article 5 § 4** (speediness of the review of the appeal against a detention order of 27 October 2004)

**Two violations of Article 5 § 4** (speediness of the review of the remaining detention orders or requests for release + courts' failure to consider the substance of the applicants' request for release lodged on 9 December 2004)

**Just satisfaction:** EUR 6,500 to Mr Vasilyev and EUR 7,500 to Mr Yusev (non-pecuniary damage) and EUR 5,000 each (costs and expenses)

### Yefimova v. Russia (no. 39786/09)

The applicant, Veronika Yefimova, is a Kazakhstani national who was born in 1966. Having entered Russia to receive medical treatment, she was arrested in Moscow in July 2009 and detained with a view to her extradition to Kazakhstan, where she was wanted

for large-scale misappropriation of assets of the BTA Bank, where, previous to the bank's nationalisation in 2009, she had held a management position. Her request for asylum in Russia dismissed, she complained in particular that her extradition to Kazakhstan would expose her to a risk of ill-treatment, in breach of Article 3 (prohibition of torture and of inhuman or degrading treatment). Further, relying on Article 5 §§ 1 and 4 (right to liberty and security / right to have the lawfulness of one's detention decided speedily by a court), she complained in particular that her detention pending extradition had been unlawful, that she could not obtain judicial review of her detention and that her appeals against the detention orders had not been examined promptly.

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

**Violation of Article 5 § 1 (f)** (detention from 3 July to 18 November 2009)

**No violation of Article 5 § 1 (f)** (detention from 18 November 2009 to 3 July 2010)

**No violation of Article 5 § 1 (f)** (as concerned the way in which the extradition proceedings had been conducted)

**Two violations of Article 5 § 4** (length of the proceedings concerning the appeals against the detention orders as well as ineffective judicial review of those detention orders + inability to obtain judicial review of detention between 3 July and 18 November 2009)

**Interim measure (Rule 39 of the Rules of Court)** – not to expel Ms Yefimova – still in force until judgment becomes final or until further order.

**Just satisfaction:** EUR 20,000 (non-pecuniary damage)

## Kemal Baş v. Turkey (no. 38291/07)

The applicant, Kemal Baş, is a Turkish national who was born in 1978 and lives in İzmir (Turkey). Arrested in December 2005 during a demonstration at his university, in which he allegedly did not participate, Mr Baş maintained that he had been beaten by police officers. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he complained that that use of force had been disproportionate and that his allegations of ill-treatment had not been examined effectively by the authorities.

**Two violations of Article 3** (ill-treatment + investigation)

**Just satisfaction:** EUR 9,500 (non-pecuniary damage)

## Repetitive case

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

***Salkazanov and Others v. Russia*** (no. 65795/09 and 73 other applications)\*

The applicants are former employees of the Fire Department of the Interior Ministry of the Republic of North Ossetia-Alania. Between 1993 and 2001 they took part in peace-keeping and security operations in the state-of-emergency regions. They complained in particular about the setting aside of final judgments in their favour concerning the payment of arrears of salary owed to them as a result of those operations. They relied on Article 6 § 1 (right of access to court) and Article 1 of Protocol No. 1 (protection of property).

**Violation of Article 6 § 1**

**Violation of Article 1 of Protocol No. 1**

## 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 disciplinary proceedings brought against a practising lawyer for fraudulent conversion.

**Müller-Hartburg v. Austria** (no. 47195/06)

**Violation of Article 6 § 1**

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

**Nozhkov v. Russia** (no. 9619/05)

**Tereshkin v. Russia** (no. 13601/05)

**A.H. v. Slovakia** (no. 23386/09)

**Palgutová v. Slovakia** (no. 25368/10)

**Alemdar (Eskici) v. Turkey** (no. 23123/06)\*

**Violation of Article 6 § 1** (in all cases)

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### Press contacts

[echrpess@echr.coe.int](mailto:echrpess@echr.coe.int) | tel: +33 3 90 21 42 08

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

Céline Menu-Lange (tel: + 33 3 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.