



## Judgments concerning Azerbaijan, Germany, Greece, Russia, and Ukraine

The European Court of Human Rights has today notified in writing the following nine judgments, of which three (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 Eon v. France (no. 26118/10), Bernh Larsen Holding AS and Others v. Norway (no. 24117/08), Oleynikov v. Russia (no. 36703/04), and Salakhov and Islyamova v. Ukraine (no. 28005/08), for which separate press releases have been issued.*

### Insanov v. Azerbaijan (application no. 16133/08)

The applicant, Ali Binnat oglu Insanov, is an Azerbaijani national who is currently serving a prison sentence. A former Minister of Health Care, he was convicted of a number of serious criminal offences, including forgery in public office, embezzlement of public funds and arranging for unlawful privatisation of State-owned property assets, and sentenced in April 2007 to 11 years' imprisonment, with confiscation of property and a three-year ban on holding public office. Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained about the conditions of his detention, in particular overcrowding, lack of heating and poor sanitary conditions, and about a lack of medical treatment in detention, in particular for his back problems. He further complained, under Article 6 § 1 (right to a fair trial), that he had been refused the opportunity to participate in the hearings in the civil proceedings he had brought concerning the adequacy of his medical assistance and conditions of detention. Finally, relying on Article 6 §§ 1 and 3 (b), (c), and (d) (right to a fair trial), he complained in particular of not being given adequate time and facilities to prepare his defence, of not being able to exercise his right to examine witnesses against him and of lack of effective legal assistance.

**Two violations of Article 3** (conditions of detention)

**Violation of Article 6 § 1** (in respect of the civil proceedings)

**Violation of Article 6 § 1 taken together with Article 6 § 3 (c) and (d)** (in respect of the criminal proceedings)

**Just satisfaction:** EUR 10,000 (non-pecuniary damage)

<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.

## B.B. and F.B. v. Germany (nos. 18734/09 and 9424/11)

The applicants, B. B. and F. B., are Austrian nationals of Turkish origin who live in Duisburg (Germany). The case concerned the withdrawal of their parental rights over their two children in 2008 after their daughter, aged 12 at the time, had alleged that both she and her brother, aged eight, had been repeatedly and severely beaten by their father. The children had been placed in a children's home, where they had remained for over a year without having any personal contact with their parents. After the daughter later confessed to having lied to the authorities and stated that the parents had never beaten either of them, the children were returned to the family in 2009. The applicants complained that the withdrawal of their parental authority had violated in particular their rights under Article 8 (right to respect for private and family life). They alleged in particular that the youth office and the family courts had relied exclusively on the children's statements although the parents had constantly denied any allegations of domestic violence and although there had been sufficient reasons to mistrust the children's allegations.

### Violation of Article 8

**Just satisfaction:** EUR 1,834.93 (pecuniary damage) to the applicants jointly, EUR 25,000 (non-pecuniary damage) to each applicant and EUR 2,095.41 (costs and expenses) to the applicants jointly

## Alpatu Israilova v. Russia (no. 15438/05)

## Avkhadova and Others v. Russia (no. 47215/07)

Both cases concern disappearances, in Dagestan and the Chechen Republic.

The applicant in the first case, Alpatu Israilova, is a Russian national who was born in 1955 and lives in Khasavyurt, Dagestan (Russia). She alleged that her husband, Yeraly Israilov, born in 1953, and their two sons were taken away from the family home on 19 October 2004 by Russian servicemen for questioning at the Gudermes military base in Chechnya. Her two sons were released four days later but her husband has never been seen since.

The applicants in the second case, Nurzhan, Limon, Luisa, Khava, and Kheda Avkhadova, are Russian nationals who live in Urus-Martan, the Chechen Republic (Russia). They are the mother and sisters of Vakhit Avkhadov, born in 1979, whom they have not seen since the early hours of the morning of 24 April 2001 when a group of armed men in camouflage uniforms broke into the family home in Urus-Martan and took him away. The only news they managed to obtain was allegedly from a Russian servicemen stationed not far away from Urus-Martan who confirmed that he had seen Vakhit Avkhadov being brought to the base and placed in a pit and later being taken away in a helicopter.

The applicants alleged in particular that their relatives had been unlawfully detained and must have subsequently been killed by Russian servicemen. They also complained that the ensuing investigation into their allegations had been inadequate. All the applicants relied on Article 2 (right to life), Article 3 (prohibition of torture and of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy).

Ms Israilova also complained under Article 8 (right to respect for private and family life and the home) that the servicemen who had searched her house on 19 October 2004 had not showed her a search warrant. Lastly, she complained that she and her relatives had been repeatedly summoned to Gudermes military base in Chechnya for questioning

in order to dissuade her from maintaining her application to the European Court of Human Rights, in breach of Article 34 (right of individual petition).

In the case of *Alpatu Israilova*:

**Two violations of Article 2** (right to life + investigation)

**No violation of Article 3** (ill-treatment + investigation – in respect of Yeraly Israilov)

**Violation of Article 3** (mental suffering – in respect of the applicant)

**Violation of Article 5** (in respect of Yeraly Israilov)

**Violation of Article 8** (search carried out at the applicant's home)

**Violation of Article 13 in conjunction with Articles 2 and 3**

**No violation of Article 34**

**Just satisfaction:** EUR 65,000 (non-pecuniary damage) and EUR 3,500 (costs and expenses)

In the case of *Avkhadova and Others*:

**Two violations of Article 2** (right to life + investigation)

**Violation of Article 3** (mental suffering – in respect of the applicants)

**Violation of Article 5** (in respect of Vakhit Avkhadov)

**Violation of Article 13 in conjunction with Articles 2 and 3**

**Just satisfaction:** EUR 45,000 to Nurzhan Avkhadova and EUR 15,000 to the other four applicants jointly (non-pecuniary damage), and GBP 1,911.05 (costs and expenses)

**Kasymakhunov and Saybatalov v. Russia (nos. 26261/05 and 26377/06)**

The applicants, Yusup Kasymakhunov, an Uzbek national, and Marat Saybatalov, a Russian national, were born in 1964 and 1972 respectively. They were both convicted by the Russian courts, in November 2004 and October 2005 respectively, for their membership of the radical Islamic organisation Hizb ut-Tahrir al-Islami, and sentenced to seven years and four months' and five years and six months' imprisonment respectively. Relying in particular on Article 7 (no punishment without law), they complained that the Russian Supreme Court's decision banning the activities of Hizb ut-Tahrir in Russia had not been officially published and that the legal provisions on the basis of which they had been convicted had therefore been not foreseeable in their application.

**No violation of Article 7** (in respect of Mr Kasymakhunov)

**Violation of Article 7** (in respect of Mr Saybatalov)

**Just satisfaction:** no claim submitted by Mr Saybatalov.

**Krylov v. Russia (no. 36697/03)**

The applicant, Dmitriy Krylov, is a Russian national who was born in 1981 and is currently serving a 23-year prison sentence in a detention facility in the Ivanovo region (Russia) for, among other things, aggravated murder and robbery. Relying on Article 6 (right to a fair trial), he alleged that the criminal proceedings against him had been unfair in particular because he had not been represented by a lawyer during his appeal hearing in June 2003, his request for legal aid having been rejected.

**Violation of Article 6 § 1 in conjunction with Article 6 § 3 (c)** (absence of legal assistance in the appeal proceedings)

**Just satisfaction:** EUR 4,000 (non-pecuniary damage)

## Repetitive cases

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

### ***Asmayev v. Russia*** (no. 44142/05)

The applicant in this case complained of the quashing by way of supervisory review of a final judgment in his favour. He relied on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

#### **Violation of Article 6 § 1**

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

***Yemelyanov and Others v. Russia*** (nos. 21264/07, 43829/08, 60248/08, 1816/09, 5416/09, 5701/09, 6508/09, 8405/09, 10909/09, 12060/09, 13103/09, 15963/09, 19404/09, 21141/09, 21989/09, 23370/09, 23527/09, 25767/09, 25915/09, 25943/09, 25945/09, 29651/09, 38969/09, 41432/09, 42663/09, 46508/09, 46648/09, 49456/09 and 58976/09)\*

These cases concerned the delayed enforcement of judgments awarding a “housing allowance” to former workers at mines that had been closed down in the Kizel coal basin (Perm region, Russia). The applicants relied in particular on Article 6 § 1 (right to a fair hearing) 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 case

In the following case, the applicant complained in particular about the excessive length of non-criminal proceedings.

### ***X-Code Lyseis Pliroforikis A.E. v. Greece*** (no. 57628/09)\*

#### **Violation of Article 6 § 1**

---

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](http://www.echr.coe.int). To receive the Court’s press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_Press](https://twitter.com/ECHR_Press).

#### **Press contacts**

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

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

Jean Conte (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.