



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 12 judgments on Tuesday 2 April 2013 and seven on Thursday 4 April 2013.

*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 2 April 2013

Tarantino and Others v. Italy (applications nos. 25851/09, 29284/09 and 64090/09)

The applicants are eight Italian nationals who were born between 1966 and 1988. In 2007 and 2009, respectively, they failed to pass the entrance examination to gain access to certain faculties of medicine and dentistry in Italy. Relying on Article 2 of Protocol No. 1 (right to education), they complain, in particular, that the aims pursued by the Italian legislation limiting access to universities were not legitimate and that the measure imposed on them was not proportionate. Under Article 6 § 1 (right to a fair trial), one of the applicants further complains, in particular, that the Italian courts failed to request a referral to the European Court of Justice. Finally, seven of the applicants allege a violation of Article 14 (prohibition of discrimination), claiming that younger students had more chance of passing examinations.

Olszewski v. Poland (no. 21880/03)

The applicant, Grzegorz Olszewski, is a Polish national who was born in 1958 and lives in Gostynin (Poland). In 2002, Mr Olszewski was convicted of robbery and sentenced to five years' imprisonment. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he complains of the detention conditions in Płock prison - where he was detained on three occasions between December 1998 and February 2008 - in particular overcrowding and inadequate medical care, notably in view of his orthopaedic disorders.

Momčilović v. Serbia (no. 23103/07)

The applicant, Milan Momčilović, is a Serbian national who was born in 1940 and lives in Novi Sad (Serbia). In 2002, the Novi Sad District Court ruled partly in favour of Mr Momčilović in a dispute with his former employer. This judgment was partly upheld and partly reversed on appeal by the Supreme Court of Serbia, acting as a second-instance court. At third instance, in 2007, the Supreme Court of Serbia finally rejected his appeal on points of law. Relying on Article 6 § 1 (right to a fair hearing), Mr Momčilović complains in particular that the Supreme Court, at third instance, was not constituted in accordance with the relevant national law.

Repetitive case

The following case raises issues which have already been submitted to the Court.

Angelo Caruso v. Italy (no. 24817/03)

The applicant in this case complains about the constructive expropriation of his land, the length of the related proceedings and the inadequacy of the compensation. He relies on Article 1 of Protocol No. 1 (protection of property), Article 6 § 1 (right to a fair hearing within a reasonable time), and Article 13 (right to an effective remedy).

Length-of-proceedings cases

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

Ferreira Alves v. Portugal (no. 9) (no. 54312/10)

Ferreira Alves v. Portugal (no. 5340/11)

Alhan v. Turkey (no. 8163/07)

Kiranel v. Turkey (no. 26964/09)

Mehmet Salih Uçar v. Turkey (no. 5485/07)

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

Florin Macovei v. Romania (no. 38128/03)

Şercaru v. Romania (no. 13088/09)

Gökhan Özdemir v. Turkey (no. 33625/09)

Thursday 4 April 2013

[C.B. v. Austria \(no. 30465/06\)](#)

The applicant, C.B., is an Austrian national who was born in 1966 and lives in Maria Enzersdorf (Austria). He was convicted of sexual abuse of minors and of drug-related offences, sentenced to two years' imprisonment and referred to an institution for mentally-ill offenders in a judgment which became final in March 2006. Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial), he complains that the Austrian courts wrongly assessed the opinion by a court-appointed expert, that the courts refused to admit the opinion of an expert privately commissioned by Mr B., and that they refused to allow that expert and three other persons to testify as witnesses.

[Julius Kloiber Schlachthof GmbH and Others v. Austria \(nos. 21565/07, 21572/07, 21575/07 and 21580/07\)](#)

The applicants are four meat slaughter companies registered in Austria: Julius Kloiber Schlachthof GmbH, Fa. Pöll Günter, Pöll-Fleisch GmbH, and Schweinespezialbetrieb Innviertel GmbH. The case concerns their obligation, confirmed by court decisions in January 2007, to pay surcharges for non-payment of agricultural marketing charges (of between 10% and 60% of the unpaid contributions) to the national agricultural marketing board. Relying on Article 6 § 1 (access to court / right to a fair hearing), they complain that there was no tribunal decision in the payment order proceedings and that no oral hearing was held. Relying on Article 1 of Protocol No. 1 (protection of property), they complain that the surcharges were not proportionate to the aim pursued. Furthermore, under Article 7 (no punishment without law), they complain that the relevant legal provision lacked legal certainty and, under Article 13 (right to an effective remedy), that they could only have avoided the penalty by paying the allegedly unlawful surcharges. Finally, they rely on Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1, complaining that the same penalty could apply irrespective of the amount of contributions not paid.

Ivakhnenko v. Russia (no. 12622/04)

The applicant, Aleksandr Ivakhnenko, is a Russian national who was born in 1960. He was convicted of murder and rape and sentenced to 21 years' imprisonment in a judgment which became final in December 2003. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains of the conditions of his detention in a remand prison in Voronezh between August 2002 and December 2004. He alleges in particular that the cells were severely overcrowded, so that he did not have an individual sleeping place, that he suffered from extreme cold and heat, and that there was no privacy when using the toilet. Furthermore, he maintains that he was not provided with adequate medical assistance, for an injury and urinary problems, in detention.

Markaryan v. Russia (no. 12102/05)

The applicant, Vladimir Markaryan, is a Russian national who was born in 1976 and lived, prior to his arrest, in Shakhty, Rostov Region (Russia). He was convicted of a number of offences, including murder and the organisation of a criminal gang, and sentenced to 20 years' imprisonment in a judgment which became final in September 2004. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains that he was ill-treated in police custody in May 2003 – alleging in particular that he was brutally and repeatedly beaten by several police officers in order to make him confess to the murder – and that there had been no effective investigation into his complaints.

Reznik v. Russia (no. 4977/05)

The applicant, Genri Reznik, is a Russian national who was born in 1938 and lives in Moscow. He is a lawyer and President of the Moscow City Bar. In August 2004, the Moscow City Court found him liable for defamation after he had criticised, in a live TV show in December 2003, the heavy-handed conduct of male prison warders who had intercepted and searched a female lawyer who represented the prominent businessman Mikhail Khodorkovskiy. Mr Reznik was ordered to pay compensation to a prison inspector and a prison officer. Relying on Article 10 (freedom of expression), Mr Reznik complains that his right to freedom of expression was disproportionately restricted.

Just Satisfaction**Tkachevy v. Russia (no. 35430/05)**

The applicants, Viktor Tkachev and Elvira Tkacheva, husband and wife, are Russian nationals who were born in 1957 and 1966 respectively and live in Moscow. The case concerned their eviction in 2005 from a flat they had owned on Znamenska Street, in the historical area of Moscow near the Kremlin. They alleged in particular that the decision to expropriate the building in the public interest, first in order to expand the Moscow State Art Gallery and then because it had been dangerous, had not been genuine. They claimed that the building had since been repaired and had become a luxury residence. They relied in particular on Article 1 of Protocol No. 1 (protection of property).

In its [judgment](#) on the merits of 14 February 2012, the Court held that there had been a violation of Article 1 of Protocol No. 1 in that the expropriation of the applicants' flat in downtown Moscow had lacked a convincingly demonstrated public interest. The Court reserved the question of just satisfaction and will now rule on this issue in its judgment to be delivered on 4 April 2013.

Length-of-proceedings case

In the following case, the applicant complains in particular about the excessive length of civil proceedings.

Tkachenko v. Ukraine (no. 1278/06)

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 here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_press](https://twitter.com/ECHR_press).

Press contacts

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

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

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

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

Jean Conte (tel: + 33 3 90 21 58 77)

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.