



Forthcoming judgments

The European Court of Human Rights will be notifying in writing two judgments on Tuesday 14 May 2013 and eight on Thursday 16 May 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 14 May 2013

[N.K.M. v. Hungary \(application no. 66529/11\)](#)

The applicant, Ms N.K.M., is a Hungarian national and lives in Budapest. She was a civil servant in the Hungarian Ministry of Foreign Affairs for 30 years until being dismissed in May 2011. Relying on Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, she complains that part of her severance pay was taxed at a rate of 98%. Further relying on Article 14 (prohibition of discrimination) read in conjunction with Article 1 of Protocol No. 1, she also alleges that the tax was discriminatory as it was only imposed on those who were dismissed from the public sector.

[Gross v. Switzerland \(no. 67810/10\)](#)

The applicant, Alda Gross, is a Swiss national who was born in 1931 and lives in Greifensee (Switzerland). For a number of years, she has wanted to end her life. Although not suffering from any clinical illness, she submits that she is over 80 and unwilling to continue suffering the decline of her physical and mental faculties. Having unsuccessfully attempted to find a doctor willing to issue the prescription required to obtain a lethal dose of sodium pentobarbital, she applied to the Health Board, which rejected her request to be provided with the drug in a decision eventually upheld by the courts in April 2010. She complains that by denying her the right to decide by what means and at what point her life would end the Swiss authorities have breached Article 8 (right to respect for private and family life) of the Convention.

Thursday 16 May 2013

[Radu v. Germany \(no. 20084/07\)](#)

The applicant, Fredy Radu, is a German national who was born in 1962 and is currently detained in a Psychiatric Hospital in Riedstadt (Germany). He was convicted of homicide and sentenced to eight years and six months' imprisonment in 1995. At the same time, the trial court ordered his placement in a psychiatric hospital, where he was transferred in 1998. The case concerns the proceedings for review of his continued confinement, which was confirmed by a final court decision in November 2006. Relying on Article 5 § 1 (right to liberty and security), Mr Radu complains that his detention was prolonged even though an expert consulted by the courts had found that he did not suffer from a pathological mental disorder.

[Barilo v. Ukraine \(no. 9607/06\)](#)

The applicant, Valentina Barilo, is a Ukrainian national who was born in 1970 and lives in Yevpatoriya (Ukraine). In October 2006, she was convicted of embezzlement of property

through abuse of a position of power and sentenced to three years' imprisonment with one year's probation. Suffering from diabetes and other chronic illnesses, she complains that she was not provided with appropriate medical assistance while in pre-trial detention in February 2006 and that she did not have an effective remedy in respect of that complaint. She alleges a violation of Article 3 (prohibition of torture and of inhuman or degrading treatment) and of Article 13 (right to an effective remedy). She further alleges a breach of Article 5 § 1 (c) (right to liberty and security), complaining in particular that there was no reason for her placement in pre-trial detention for ten days in February 2006.

[Chorniy v. Ukraine \(no. 35227/06\)](#)

The applicant, Igor Chorniy, is a Ukrainian national who was born in 1965 and lives in Khodorkivtsi (Ukraine). A business owner at the time, he was found guilty of non-payment of wages to his employees between November 2001 and January 2004 and ordered to pay a fine in a judgment eventually upheld in April 2005. Relying in particular on Article 6 § 3 (b) (right to adequate time and facilities for preparation of defence), he complains that he was unable to effectively appeal against the Ukrainian courts' judgments in his case, as he was not provided in due time with copies of the judgments against him.

[Garnaga v. Ukraine \(no. 20390/07\)](#)

The applicant, Nataliya Garnaga, is a Ukrainian national who was born in 1968 and lives in Bila Tserkva (Ukraine). Having lived together with her mother, stepfather and half-brother for many years, she wished to change her patronymic – the middle name derived from the father's forename – from the name derived from her biological father's name to one derived from her stepfather's. The authorities refused her request in a decision eventually upheld by the courts in October 2006. She complains that this refusal violated her rights under Article 8 (right to respect for family life).

[Gavula v. Ukraine \(no. 52652/07\)](#)

The applicant, Vitaliy Gavula, is a Ukrainian national who was born in 1977 and lives in Berezhinka (Ukraine). He was arrested in February 2003 on suspicion of robbery and, convicted as charged in March 2010, was sentenced to eight and half years' imprisonment. He was released on probation in March 2011. The case principally concerns his complaints about the conditions of his detention – overcrowding and poor hygiene – between February 2003 and August 2010, the unlawfulness of his arrest and the excessive length of his pre-trial detention and the criminal proceedings against him. He makes further allegations concerning ill-treatment by the police and lack of adequate medical care for his serious kidney problems. He relies on Article 3 (prohibition of inhuman or degrading treatment), Article 5 §§ 1 and 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time). Lastly, relying on Article 34 (right of individual petition), he also complains that the authorities failed to provide him with copies of documents necessary for lodging his application with the European Court of Human Rights.

[Komarova v. Ukraine \(no. 13371/06\)](#)

The applicant, Svetlana Komarova, is a Ukrainian national who was born in 1960 and lives in Dnipropetrovsk (Ukraine). She is a lawyer. She was arrested in April 2004 for fraud as well as for allegedly attempting to bribe a judge. In April 2009 she was ultimately found guilty of fraud and sentenced to just over five years' imprisonment. Relying on Article 3 (prohibition of inhuman or degrading treatment), she alleges inadequate medical care in detention for heart problems and high blood pressure which was causing her to lose her sight. She also alleges that her state of health deteriorated as she was made to share a cell with detainees who were constantly smoking and that

she had a miscarriage in April 2004 due to stress. Further relying on Article 5 § 3 (right to liberty and security), she also alleges that the length of her pre-trial detention was excessive.

[Maksymenko and Gerasymenko v. Ukraine \(no. 49317/07\)](#)

The applicants, Mykola Maksymenko and Volodymyr Gerasymenko, are two Ukrainian nationals who were born in 1958 and 1963, respectively. Mr Maksymenko lives in Malyn (Ukraine). Mr Gerasymenko died in 2009 and his widow, Lyudmyla Gerasymenko, pursued the application on his behalf. The case concerns a hostel formerly owned by the State which the two men bought in 2004. Relying on Article 1 of Protocol No. 1 (protection of property), they complain that they lost ownership of the hostel without compensation in 2006 when the domestic courts invalidated a decision of 1995 to privatise the hostel, as well as all subsequent transfers of ownership. Also relying on Article 6 § 1 (right to a fair hearing), they complain that the courts disregarded the three-year time-limit for them to lodge a claim since the decision to privatise the hostel was taken in 1995.

[Samoylovich v. Ukraine \(no. 28969/04\)](#)

The applicant, Nikolay Samoylovich, is a Ukrainian national who was born in 1969 and lives in Simferopol (Crimea, Ukraine). In August 1999, he was arrested and placed in pre-trial detention on suspicion of robbery, of which he was eventually convicted in November 2004 and sentenced to seven years' imprisonment. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the degrading conditions in the detention facility where he was detained from August 1999 until his release in August 2006 after having served his sentence, in particular because of overcrowding and poor hygiene conditions. Relying on Article 5 §§ 1 (c) and 3 (right to liberty and security), he complains that his pre-trial detention was ordered unlawfully and was unjustifiably long. Finally, under Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the length of the criminal proceedings against him, both in the case concerning the alleged robbery and in another case, in which prosecution was eventually discontinued.

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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.