



Judgments concerning Austria, Azerbaijan, the Czech Republic, Russia, Slovenia, and Ukraine

The European Court of Human Rights has today notified in writing the following ten judgments, of which five (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 (*).

The Court has also delivered today its judgment in the case of Turluyeva v. Russia (application no. 63638/09), for which a separate press release has been issued.

Wallishauser v. Austria (no. 2) (application no. 14497/06)

The applicant, Roswitha Wallishauser, is an Austrian national who was born in 1941 and lives in Vienna. She was employed by the United States embassy in Vienna as a photographer from 1978 until her dismissal in 1987 following a work-related accident. She later obtained payment of salary arrears from the United States for the period from September 1988 to June 1995 in proceedings before the Austrian courts, which had declared her dismissal unlawful. Relying in particular on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, Ms Wallishauser complained that, in subsequent proceedings, she had been ordered to pay the entire social security contributions – the employee's and the employer's share – for the salary payments which she had successfully claimed from the United States. She maintained that the relevant provision, under which an employer enjoying extraterritorial status could not be forced to pay social security contributions, imposed a disproportionate burden on her. She further relied on Article 14 (prohibition of discrimination) of the Convention taken in conjunction with Article 1 of Protocol No. 1 or with Article 6 (right to a fair trial).

No violation of Article 1 of Protocol No. 1

No violation of Article 14 taken in conjunction with Article 1 of Protocol No. 1 or Article 6

Abdulgadirov v. Azerbaijan (no. 24510/06)

The applicant, Rizvan Mammad oglu Abdulgadirov, is an Azerbaijani national who was born in 1958 and lives in Baku. Arrested in September 2004 on suspicion of being associated with a terrorist group, Mr Abdulgadirov was convicted of illegal possession of a weapon and sentenced to three years' imprisonment in a judgment upheld by the Supreme Court in November 2005. Mr Abdulgadirov complained that his rights under

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.

Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing) had been breached, as he had been absent from the hearings before the Appeal Court and the Supreme Court.

Violation of Article 6 §§ 1 and 3 (c)

Just satisfaction: EUR 2,400 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Revision

Eremiášová and Pechová v. the Czech Republic (no. 23944/04)

The applicants in this case were Petra Eremiášová and Katarína Pechová, Czech nationals born in 1978 and 1938 respectively. Ms Pechová died in November 2010. The case concerned the death of, respectively, their partner and son, V.P., of Roma origin, following his allegedly jumping head-first through a first-floor window at Brno-Královo police station where he had been taken on suspicion of burglary. In its Chamber judgment of 16 February 2012, the European Court of Human Rights held that there had been violations of Article 2 (right to life) both on account of the authorities' failure both to safeguard the right to life of the applicants' relative as well as to conduct an effective investigation into the circumstances surrounding his death. The Court further held that the Czech Republic was to pay each applicant EUR 10,000 in respect of non-pecuniary damage and EUR 2,000, jointly, for costs and expenses. After the judgment had become final, the Czech Government informed the Court that they had learned of Ms Pechová's death and requested revision of the judgment, which they had been unable to enforce.

The Court decided to revise the judgment and to strike out the application in so far it concerned the complaints of Ms Katarína Pechová.

Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses) to Ms Eremiášová

Lavrechov v. the Czech Republic (no. 57404/08)

The applicant, Evgueni Lavrechov, is a Russian national who was born in 1952 and lives in Udomlya (Russia). The case concerned the forfeiture of his bail after having been acquitted by Czech courts. Mr Lavrechov was a representative of a Russian company which bought a share of a Czech company that subsequently became insolvent. In June 2001, he was charged in the Czech Republic with insider trading and fraud, namely with concluding contracts disadvantageous to the Czech company, and taken into pre-trial custody. In February 2002, he was released on bail. Following his acquittal of all charges, upheld in a judgment in June 2007, the Czech courts ruled that Mr Lavrechov's bail of EUR 400,000 was forfeited, as he had broken the bail conditions by remaining out of the country and failing to attend court hearings. Mr Lavrechov complained that the forfeiture of his bail had breached his rights under Article 1 of Protocol No. 1 (protection of property). He maintained that he had not been properly advised as to the possibility of forfeiture, that he had not been in hiding and that the Czech court had not delivered the correspondence to his correct address in Russia.

No violation of Article 1 of Protocol No. 1

Sidikovy v. Russia (no. 73455/11)

The applicants, Farrukh Sidikov and Umedakhon Sidikova, husband and wife, are Tajikistani nationals who were born in 1972 and 1976 respectively and live in Moscow. Having arrived and settled in Russia in 2005, Mr Sidikov was arrested in Moscow in

December 2010 and placed in detention pending extradition to Tajikistan, where he was wanted on charges of involvement in a criminal organisation on account of his alleged activities for the Islamic organisation Hizb ut-Tahrir. His extradition was ordered in a decision eventually upheld by the Supreme Court in December 2011. However, the order was not enforced in view of his application for temporary asylum lodged upon his release from detention in December 2011. In August 2012, he was granted temporary asylum in Russia. Ms Sidikova, who had joined her husband in Russia in 2006 with their three minor children, was also placed in detention in May 2011 with a view to her extradition to Tajikistan, where she was charged with a criminal offence. In November 2011, the Russian Prosecutor General refused the Tajikistani authorities' request for her extradition and she was released from detention. Her application for temporary asylum in Russia is pending. Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Sidikov complained that his extradition to Tajikistan would expose him to a real risk of torture and ill-treatment. He also complained that his arrest and detention pending extradition had been in breach of Article 5 § 1 (f) (right to liberty and security) and that he had been unable to obtain effective judicial review of that detention, in breach of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court). Relying in particular on Article 5 §§ 1 and 4, Ms Sidikova complained that: on 19 May 2011, she had been held for one day in unacknowledged detention by the Federal Security Service (FSB); that her detention with a view to her extradition had been unlawful; and, that she had been deprived of effective remedies to challenge the lawfulness of her detention.

Violation of Article 3 (in the event of Mr Sidikov's being extradited to Tajikistan)

No violation of Article 5 § 1 (f) (in respect of both Mr Sidikov and Sidikova)

No violation of Article 5 § 4 (in respect of both Mr Sidikov and Sidikova)

Interim measure (Rule 39 of the Rules of Court) – not to extradite Mr Sidikov – still in force until judgment becomes final or until further order.

Just satisfaction: EUR 3,400 (costs and expenses) to Mr Sidikov

Repetitive cases

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

Kostenko v. Russia (no. 32845/02)*

The applicant in this case alleged in particular that the failure to enforce one final judgment concerning him had breached his rights under Article 6 (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

Zelenkevich and Others v. Russia (no. 14805/02)

The applicants in this case complained in particular of the quashing by way of supervisory review of a binding and enforceable judgment in their favour, as well as of its non-enforcement. They relied on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Violation of Article 6

Violation of Article 1 of Protocol No. 1

Pysarskyy and Others v. Ukraine (nos. 20397/07 and 164 other applications)

Tsibulko and Others v. Ukraine (nos. 65656/11 and 249 other applications)

The applicants in these two cases complained in particular of the non-enforcement of final decisions in their favour in good time and about the lack of effective domestic remedies in respect of those complaints. They relied on Article 6 § 1 (right to a fair hearing), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property).

Violations of Article 6 § 1, of Article 1 of Protocol No. 1 and of Article 13 (in respect of 411 of these applications – the four other applications have either been declared inadmissible or struck out of the Court’s list of cases)

Length-of-proceedings case

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

Jeznik v. Slovenia (no. 32238/08)

Violation of Article 6 § 1
Violation of Article 13

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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.