



Forthcoming judgments

The European Court of Human Rights will be notifying in writing six judgments on Tuesday 2 July 2013 and four on Thursday 4 July 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 July 2013

[Fehér v. Hungary \(application no. 69095/10\)](#)

The applicant, Sándor Fehér, is a Hungarian national who was born in 1947 and lives in Szolnok (Hungary). The case concerns his complaint about overcrowding during his pre-trial detention on robbery charges from September 2006 to October 2008. Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, he alleges that his detention in cramped conditions with only limited time spent outside his cell was inhuman and degrading. He was ultimately convicted of robbery in October 2009 and sentenced to six years and eight months' imprisonment.

[R. SZ. v. Hungary \(no. 41838/11\)](#)

The applicant, Mr R. SZ., is a Hungarian national who was born in 1973 and lives in Budapest. He was employed by a State-owned limited company for 11 years until July 2010 when his contract was terminated by mutual agreement. Relying on Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy) of the Convention, he complains that part of his 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, he also alleges that the tax was discriminatory as various categories of tax subjects were treated differently. Notably, he was taxed more for being in long-term employment giving rise to substantial severance pay which went over the set threshold.

[Holodenko v. Latvia \(no. 17215/07\)](#)

The applicant, Jurijs Holodenko, is a Latvian national who was born in 1969 and lives in Liepāja. The case concerns Mr Holodenko's allegation that police officers punched and kicked him in the head and body during his arrest at an acquaintance's apartment and later when taken to the police station. Searched during the incident, Mr Holodenko was allegedly found to have narcotic substances on him and he was subsequently convicted in October 2007 of possession of illegal drugs and sentenced to three years' imprisonment. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains in particular that the police used excessive force against him during both his arrest and ensuing detention at the police station and that the authorities' investigation into his allegations was inadequate.

[Gülbahar Özer and Others v. Turkey \(no. 44125/06\)](#)

The applicants, Gülbahar Özer, Yusuf Özer, Halil Esen, Hüseyin Esen and Abdurrahman Çınar, are Turkish nationals who were born in 1963, 1965, 1947, 1952 and 1946 respectively. Gülbahar Özer and Yusuf Özer live in İzmir, Halil Esen and Hüseyin Esen live in Mardin and Abdurrahman Çınar lives in Diyarbakır (Turkey). The case concerns the killing of the applicants' five children, aged between 13 and 24, by soldiers in south-east Turkey in 2005. The ensuing investigation conducted by the authorities concluded

that the applicants' children, terrorists and members of the PKK, had opened fire on the soldiers and had been killed in the ensuing armed clash. Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman and degrading treatment), the applicants allege that the soldiers' use of force against their children was excessive and that the investigation into the incident, if it had been carried out adequately by, for example, taking swabs for gunpowder residue, would have shown that their children had been unarmed and could not possibly have opened fire on the soldiers.

[Mustafa Aldemir v. Turkey \(no. 53087/07\)](#)

The applicant, Mustafa Aldemir, is a Turkish national who was born in 1954 and lives in Diyarbakır (Turkey). The case concerns his complaint that he has been disabled since being wounded by gunfire from soldiers who mistook him for a terrorist while they were lying in wait during an operation. In December 2005, when he was on his way to a neighbouring village at night and in the rain, Mr Aldemir was struck by a bullet in his right leg. Following an operation, a medical report indicated that his right leg was three centimetres shorter than the other, resulting in a 10% rate of disability and obliging him to use crutches. A criminal investigation showed that the soldiers lying in wait near the scene of the accident had been informed that a group of terrorists would be passing by and their Lieutenant had wrongly assumed that Mr Aldemir was one of them. The criminal proceedings ended on 4 December 2006 when they were discontinued by a military prosecutor. He established that the Lieutenant had been convinced of the legitimacy of his act and had fired with the sole aim of defending himself and the other soldiers, the applicant's umbrella having been mistaken for a weapon on account of the poor weather conditions. Mr Aldemir complains in particular of a violation of Article 3 (prohibition of inhuman or degrading treatment/no effective investigation).

Repetitive case

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

Uçan and Others v. Turkey (no. 37377/05).

In this case, the applicants complain in particular about the excessive length of their detention and of the proceedings against them. They rely on Article 5 §§ 3 and 5 (right to liberty and security) and Article 6 § 1 (right to a fair hearing within a reasonable time).

Thursday 4 July 2013

[Rzakhanov v. Azerbaijan \(no. 4242/07\)](#)

The applicant, Shakir Hajimurad oglu Rzakhanov, is an Azerbaijani national who was born in 1961. He is currently detained in Gobustan Prison (Azerbaijan) where he is serving a life sentence for murder, of which he was convicted in 1997. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains of his poor detention conditions, in particular the small size of his cell and its window, a lack of ventilation and of outdoor exercise periods, poor quality of food and of his placement in solitary confinement. He alleges a further violation of Article 3 on account of being beaten and ill-treated by prison guards on one occasion in January 2004.

[Anchugov and Gladkov v. Russia \(nos. 11157/04 and 15162/05\)](#)

The applicants, Sergey Anchugov and Vladimir Gladkov, are Russian nationals who were born in 1971 and 1966. Mr Anchugov is currently serving a 15-year prison sentence for murder, theft and fraud in Orenburg (Russia). Mr Gladkov was convicted of murder and aggravated robbery in February 2000 and sentenced to 15 years' imprisonment; he has since been released on parole and lives in Moscow. The case concerns the applicants' complaint that, as convicted prisoners in detention, they were banned from voting in a

number of parliamentary elections held between 2000 and 2008. They rely in particular on Article 3 of Protocol No. 1 (right to free elections), Article 10 (freedom of expression) and Article 14 (prohibition of discrimination).

Balakin v. Russia (no. 21788/06)

The applicant, Sergey Balakin, is a Russian national. He lives in Orel (Russia), sharing a two-room apartment with his wife and two children, one of whom is suffering from severe diabetes. For several years, Mr Balakin has applied to the local authorities requesting to be provided with more spacious social housing, to which, he maintains, the family was entitled on account of their daughter's illness. Relying on Article 6 § 1 (access to court) and Article 13 (right to an effective remedy), Mr Balakin complains about the Russian courts' refusal, in a decision upheld in March 2006, to examine his complaint about the authorities' inaction and their failure to provide the family with better housing, holding that they had no jurisdiction.

Baysultanova and Others v. Russia (no. 7461/08)

The applicants, Tumisha Baysultanova, Zara Dzhamaldinova and Zulay Bisultanova, are Russian nationals who were born in 1935, 1960, and 1953 respectively and live in Grozny, the Chechen Republic (Russia). The case concerns the disappearance of Beslan Baysultanov, the applicants' son and brother, respectively, in May 2000, after he was taken away by armed men in uniforms. Relying on Article 2 (right to life), the applicants complain that their relative was abducted by Russian servicemen and was to be presumed dead, and that there had been no effective investigation into the incident. Relying on Article 3 (prohibition of inhuman or degrading treatment), they complain of the psychological distress they suffered as a result of their relative's disappearance and of the authorities' failure to carry out a proper investigation. They further complain that their relative was unlawfully detained, in violation of Article 5 § 1 (right to liberty and security), and that they had no effective remedies in respect of their complaints under Articles 2 and 3, in breach of Article 13 (right to an effective remedy).

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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.