



Forthcoming judgments

The European Court of Human Rights will be notifying in writing six judgments on Tuesday 21 January 2014 and three on Thursday 23 January 2014.

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 21 January 2014

[Placi v. Italy \(application no. 48754/11\)](#)

The applicant, Luigi Placi, is an Italian national who was born in 1975 and lives in Specchia (Italy). The case concerns his conscription into compulsory military service despite his fragile state of mental health. Following two examinations which found him fit for military service, he started his service in June 1994. During the subsequent months he was subjected to several punishments for inappropriate behaviour, including 24 days of confinement. Following his hospitalisation and diagnosis with anxiety disorder, he was discharged due to unfitness in April 1995. His subsequent request for damages, alleging that there was a causal link between his military service and his illness, or alternatively that upon his conscription tests his pre-existent illness went unnoticed, was rejected by the Ministry of Defence in a decision eventually upheld by the Supreme Administrative Court in February 2011. Mr Placi complains under Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights of a lack of a proper assessment of his state of health before conscription and about his conscription into military service with the resulting training he had had to undergo and punishments that had been inflicted on him. Relying further on Article 8 (right to respect for private and family life), he complains, in particular, that the medical condition from which he suffers as a result of the military service makes him dependent on his family and on mental health treatment. Lastly, relying on Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), he alleges that the medical board which provided crucial evidence in the proceedings for damages lacked independence and that the authorities did not disclose key documents regarding his case.

[Zhou v. Italy \(no. 33773/11\)](#)

The applicant, Jiaoqin Zhou, is a Chinese national who was born in 1968 and lives in Padua (Italy). The case concerns the placement of her third child, a toddler, with a foster family. Having arrived in Italy in 2000 with her partner and a four-year-old daughter, Ms Zhou gave birth in 2002 to a second daughter. The two children were sent to their grandparents in China. In 2004 her partner left her while she was pregnant with a third child, who was born in September of that year. Initially housed in a mother-and-child centre, then in a State accommodation facility, Ms Zhou found employment. As she was unable to look after her child alone, she was obliged to call on other people for assistance. In March 2007, without informing the social services, she entrusted her child to a couple of elderly neighbours during her working hours. The State Prosecutor at the Youth Court was informed of the situation by the social services, and in December 2007 he called for an adoption procedure to be opened in respect of the child, since, in his view, the mother was unable to take care of him. Relying in particular on Article 8 (right to respect for private and family life) of the Convention, Ms Zhou complains that her child was placed in a foster family with a view to adoption. She also complains that she has no contact with her child for ten months.

[Gramaxo Rozeira v. Portugal \(no. 21976/09\)](#)

The applicant, Gustavo Jorge Gramaxo Rozeira, is a Portuguese national who was born in 1978 and lives in Porto (Portugal). The case concerns the failure to communicate a document in the course of proceedings before the Constitutional Court. In March 2002 Mr Gramaxo Rozeira was recruited as a lecturer by the Cávado and Vale do Ave Polytechnic Institute for an initial one-year contract, renewable for two-year periods. In March 2005 the Institute informed the applicant that his contract had expired, and that the Institute's scientific board had not agreed to re-appoint him. The ordinary appeals lodged by Mr Gramaxo Rozeira before the administrative courts were unsuccessful. He then lodged an appeal with the Constitutional Court, alleging that Article 12 of the Staff Regulations for teachers in polytechnic higher education was unconstitutional. In the course of the proceedings, a letter from the Head of the Prime Minister's Private Office, responding to a request for information from the Constitutional Court on the disputed issue of whether or not trade unions had taken part in drawing up Article 12 of the Staff Regulations, was never transmitted to the applicant, or to the respondent party. In February 2009 the Constitutional Court dismissed the applicant's appeal, holding that Article 12 of the Staff Regulations was not unconstitutional. Mr Gramaxo Rozeira submits that the non-disclosure of the letter sent by the Prime Minister's Private Office to the Constitutional Court, and the fact that it was impossible for him to respond to it, infringed his right as guaranteed by Article 6 § 1 (right to a fair trial).

[İhsan Ay v. Turkey \(no. 34288/04\)](#)

The applicant, İhsan Ay, is a Turkish national who was born in 1957 and lives in Diyarbakır (Turkey). The case concerns his dismissal, in July 1999, from his post as a teacher at a private tutoring centre attached to the Diyarbakır Governor's office, where he had worked since December 1985. The Governor's office terminated his contract on the strength of a security investigation conducted into him. His claim challenging the dismissal was eventually rejected in a decision upheld by the Supreme Administrative Court in January 2004. Relying in substance on Article 8 (right to respect for private life), Mr Ay complains that he was dismissed on the basis of a previous criminal conviction for having disseminated communist propaganda, under provisions of the former Criminal Code which had later been repealed, and despite the fact that his criminal record had been erased following the repeal. He further relies on Article 6 § 1 (right to a fair trial within a reasonable time), complaining that the length of the proceedings before the administrative courts was unreasonable.

[Perihan and Mezopotamya Basın Yayın A.Ş. v. Turkey \(no. 21377/03\)](#)

The applicants in this case are Zübeyir Perihan, a Turkish national born in 1966 and living in Istanbul, and Mezopotamya Basın Yayın A. Ş. (or "Mesopotamia Publishing"), a company which was registered in Turkey. Mr Perihan was the company's director general. The case concerns the company's dissolution in 2001. Following police searches of three of its local branch offices and the confiscation of allegedly illegal publications, including material allegedly used for propaganda in favour of the illegal Kurdistan Workers' Party (PKK), the Ministry of Industry and Trade brought proceedings with a view to the dissolution of Mesopotamia Publishing on account of its activities against public order. By a court order of October 2001, eventually upheld by the Court of Cassation in January 2003, the company was dissolved. Relying on Article 6 § 1 (right to a fair hearing), the company complains that its defence rights were not respected in the dissolution proceedings, in particular because it was not duly informed about the case against it or about the evidence compiled. The company further complains that its dissolution violated its rights, in particular, under Article 10 (freedom of expression).

Repetitive case

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

Mehmet Ali Polat v. Turkey (no. 58405/10)

In this case, the applicant, who was arrested in Kayseri as part of a series of police operations against an illegal organisation, complains about the length of his pre-trial detention and alleges that his case was not heard within a reasonable time. He relies, in particular, on Article 5 § 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time).

Thursday 23 January 2014

Montoya v. France (no. 62170/10)

The applicant, Francisco Montoya, is a French national who lives in Sansan (France). He was born in Algeria in 1942, at a time when that country was a French *département*. During the Algerian war he joined one of the civilian irregular units in the French army, known as *Moghaznis*. He left Algeria when it became independent. Mr Montoya subsequently applied to the Prefect of Gers, seeking to obtain the so-called “recognition allowance” (*allocation de reconnaissance*) which was payable to repatriated persons who had been members of irregular units and comparable groups. In November 2004 the Prefect dismissed his claim, on the ground that he was “a repatriated person of European origin”. Mr Montoya’s appeals on points of law against that decision were all dismissed. Relying on Article 14 (prohibition of discrimination) taken together with Article 1 of Protocol No. 1 (protection of property), Mr Montoya complains about the ground for dismissing his claim. He considers that the regulations governing the recognition allowance are discriminatory, as they are based on an individual’s origins and the manner in which he or she obtained French nationality.

W. v. Slovenia (no. 24125/06)

The applicant, Ms W., is a Slovenian national who was born in 1971 and lives in Maribor (Slovenia). The case concerns criminal proceedings against a group of men who raped her in April 1990, when she was 18 years old. Charges of rape, aiding and abetting rape and sexual assault, respectively, were brought against ten men in September 1990. In November 1990 they were acquitted, based on the findings, in particular, that Ms W. had not seriously resisted sexual intercourse and that she had changed her testimony during the proceedings. On appeal, the second-instance court quashed the judgment in April 1991, finding that the facts had been insufficiently established, and remitted the case. Subsequently there were long delays in the proceedings, since two of the defendants had left the country and could not be found. After the proceedings against the two missing men had been severed into separate cases, six of the remaining defendants were convicted, of rape and aggravated rape respectively, and sentenced to imprisonment for between eight months and one year in a judgment of June 2002, eventually upheld by the Supreme Court in July 2007. The missing defendants were eventually found and extradited to Slovenia in 2003 and 2004 and they were convicted of aiding and abetting rape and of aggravated rape, respectively, and both sentenced to imprisonment of eight months by judgments which became final in August 2004 and June 2006. Relying, in substance, on Article 3 (prohibition of inhuman or degrading treatment), Ms W. complains in particular that the long delays in the criminal proceedings were in breach of the State’s obligation to effectively prosecute the criminal offences committed against her. While she was awarded compensation at national level for the distress she suffered as a result of the lengthy proceedings, she considers that the amount of 5,000 euros paid to her cannot be regarded as sufficient redress.

East/West Alliance Limited v. Ukraine (no. 19336/04)

The applicant company, East/West Alliance Ltd., is an Irish company based in Dublin with a representative office in Ukraine. The case concerns the seizure of 14 commercial airplanes owned by the company in March 2001 in the context of criminal investigations in Ukraine against another company which belonged to the same consortium as East/West Alliance. Several of the airplanes

were subsequently sold to third parties while the judicial proceedings concerning the title to those airplanes were pending and the planes were impounded as an interim measure to secure the parties' claims. East/West Alliance complains of a violation of its rights under Article 1 of Protocol No. 1 (protection of property), as a result of, among other events, the seizure of the aircrafts, the subsequent sale and the damage to some of the planes, and the non-enforcement of final judicial decisions ordering the return of the aeroplanes to the applicant company. The company further relies on Article 6 § 1 (right to a fair hearing within a reasonable time), complaining about the length of the judicial proceedings, and on Article 13 (right to an effective remedy), complaining that it did not have an effective remedy in Ukraine in respect of its complaints.

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Press contacts

echrpress@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.