



## Forthcoming judgments

The European Court of Human Rights will be notifying in writing six judgments on Tuesday 11 March 2014 and 13 on Thursday 13 March 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](http://www.echr.coe.int))*

### Tuesday 11 March 2014

#### [Abdu v. Bulgaria \(application no. 26827/08\)](#)

The applicant, Nasredin Rabi Abdu, is a Sudanese national who was born in 1968 and lives in Sofia. He complains of the authorities' failure to conduct an investigation after he was the victim of a racially motivated attack. In May 2003 Mr Abdu and a friend were involved in a fight with two Bulgarian youths who were later described by the police as "skinheads". One of the youths reportedly pushed Mr Abdu to the ground and kicked him while calling him a "dirty nigger". The second youth then pulled out a knife, whereupon the victims fled. Mr Abdu and his friend subsequently met some police officers, who arrested their attackers. The forensic doctor who examined Mr Abdu noted that he had several injuries that could have been caused in a fight. On conclusion of the investigation, the police forwarded the evidence to the public prosecutor for a decision as to whether to commence criminal proceedings for "racially motivated violence", an offence under the Bulgarian Criminal Code. In June 2007 the public prosecutor issued a decision that there was no case to answer; he found that, in the absence of evidence proving that the attack had been racially motivated, the offence was not made out. The appeals lodged by Mr Abdu against that decision were dismissed and in August 2008 the public prosecutor refused to provide the applicant's lawyer with copies of the criminal case file. Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights, Mr Abdu alleges that the authorities failed in their obligation to carry out an effective investigation into the racist nature of the attack on him. Under the same provisions he also claims that the lack of an investigation was due to prejudice on the part of the authorities.

#### [Stoev and Others v. Bulgaria \(no. 41717/09\)](#)

The applicants, Iliya Marinov Stoev, Lyubomir Nikolov Stoyanov, Kostadin Petrov Bogdanov and Ivan Dimitrov Vangelov, are four Bulgarian nationals who were born in 1977, 1979, 1977 and 1979 respectively and live in Burgas (Bulgaria). The case concerns their alleged ill-treatment at the hands of some park wardens. On 5 December 2000, while the applicants were fishing by an artificial lake, some wardens armed with a shotgun took them by surprise, pinned them to the ground, kicked them and took their equipment before letting them go. On 10 December 2000 the applicants lodged a complaint with the police, who opened an investigation the following day. In April 2001 a preliminary investigation was instituted on charges of issuing murder threats, violence and theft. For various reasons (including insufficient evidence, the absence of witnesses and the impossibility of identifying the perpetrators), the criminal proceedings were stayed on numerous occasions. In October 2011 the proceedings were terminated on the grounds that the prosecution of the offence in question was time-barred. Relying on Article 6 § 1 (right to a fair trial), Article 13 (right to an effective remedy) and Article 34 (right of individual petition), the applicants complain of the excessive length and ineffective nature of the criminal proceedings concerning the attack on them.

### [Gál v. Hungary \(no. 62631/11\)](#)

The applicant, György Gál, is a Hungarian national who was born in 1954 and lives in Budapest. The case principally concerns his pre-trial detention. A member of the municipal council of a Budapest district at the time, Mr Gál was arrested on charges of aggravated fraud and other offences, and detained on remand in November 2008. His pre-trial detention was extended by the courts on numerous occasions – his appeals against those decisions being unsuccessful – until his release in May 2011. He was detained again in June 2011 and released in December 2011. In their decisions extending his detention, the courts held in particular that there was a risk of absconding and a risk of collusion. In February 2012 Mr Gál was convicted of a number of offences including fraud, corruption and misappropriation of public funds and sentenced to eight and a half years' imprisonment. His appeal is still pending. Relying in substance on Article 5 § 3 (right to liberty and security), Mr Gál complains that his pre-trial detention and its extensions were unjustified since the courts failed to produce any concrete elements to explain the necessity of the measure. He further relies on Article 6 § 1 (right to a fair trial within a reasonable time), Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy), complaining of the length of the criminal proceedings against him, of restrictions on visits, correspondence and phone calls from his family while in detention, and of not having an effective remedy in respect of his complaints about his detention.

### [Cooperativa de Credit Sătmăreana v. Romania \(no. 32125/04\)](#)

The applicant company, Cooperativa de Credit Sătmăreana, is a cooperative bank incorporated under Romanian law which carries on its activities in Satu Mare (Romania). The case concerns the withdrawal of its banking licence and the subsequent commencement of insolvency proceedings concerning it. As a subsidiary of the Creditcoop central credit union, the applicant company was the subject of a viability study by the National Bank of Romania ("the NBR"). By decision no. 12 of 6 May 2003 the central credit union decided to dissolve the applicant company and to commence insolvency proceedings concerning it on the date of publication of the NBR's decision. By decision no. 9 of 15 May 2003 the NBR withdrew the applicant company's banking licence. In a decision of 23 July 2003 the NBR rejected a request by the applicant company for a stay of execution of that decision. The appeal lodged by the applicant company against the two NBR decisions was declared inadmissible by the High Court of Cassation and Justice in January 2004. In the meantime the applicant company had requested the NBR to set aside decision no. 12 of the central credit union on the grounds that the latter had commenced the insolvency proceedings before the company's banking licence had even been withdrawn. The request was rejected in November 2003 and the applicant company lodged a further appeal with the High Court, the outcome of which is not known. In parallel, the applicant company requested the judge responsible for recording the start of the insolvency proceedings in the commercial register to defer his decision pending the outcome of its appeals against NBR decision no. 9 and decision no. 12 of the central credit union. On 17 June 2003 the judge in question refused the bank's request and had the insolvency entered in the commercial register. An appeal by the applicant company against that decision was dismissed by a final decision of 23 April 2004. Relying on Article 6 § 1 (right to a fair trial), the applicant company complains that it did not have access to a court in order to appeal against the withdrawal of its banking licence. It also alleges a violation of Article 1 (protection of property) of Protocol No. 1 to the Convention.

### [Howald Moor and Others v. Switzerland \(nos. 52067/10 and 41072/11\)](#)

The first applicant, Renate Anita Howald Moor, is the second wife and widow of Hans Moor. She was born in 1949 and lives in Untersiggenthal (Switzerland). The second and third applicants, Caroline and Monika Moor, are the daughters of Hans Moor's first marriage. They were born in 1973 and 1976 respectively and live in Zürich. The case concerns the lapsing of the action brought by Ms Howald Moor and the statute-barring of the action instituted by Caroline and Monika Moor, both seeking compensation for the loss of their husband and father, who died as the result of an

employment-related illness. Mr Moor had been exposed to asbestos dust at work until 1978. In 2004 he was diagnosed with a serious illness linked to the inhalation of the dust and received several allowances from the Swiss national insurance fund. In October 2005 he brought an action for damages against his employer but died in November 2005 while the proceedings were in progress. After his death a lifetime pension and a portion of the allowances were paid to his widow and his heirs respectively. In November 2005 Ms Howald Moor lodged an action for compensation in respect of non-pecuniary damage with the national insurance fund, claiming that the insurance fund and her late husband's employer were jointly and severally liable for his death. When her application was rejected she lodged an appeal with the Cantonal Court, which in 2009 held that her claims had lapsed. She then lodged a public-law appeal with the Federal Court, which upheld that finding in a judgment of January 2010. In the meantime, in May 2006, Mr Moor's daughters had stated their intention, in their capacity as heirs, to pursue the case brought by their father in 2005. After their claims were dismissed at first instance in March 2009 and on appeal in March 2010, they lodged an appeal with the Federal Court. In a judgment of November 2010 the Federal Court held that their claims were statute-barred. The applicants complain mainly of a violation of Article 6 § 1 (right of access to a court), taken alone and in conjunction with Article 14 (prohibition of discrimination).

### Length-of-proceedings case

In the following case, the applicant complains in particular, under Article 6 § 1 (right to a fair trial within a reasonable time), about the excessive length of non-criminal proceedings.

**Mátrai Törő v. Hungary** (no. 47070/10)

Thursday 13 March 2014

[Pakshayev v. Russia](#) (no. 1377/04)

The applicant, Andrey Pakshayev, is a Russian national who was born in 1973 and lives in the Tyumen region (Russia). Convicted of murder and sentenced to ten years' imprisonment in January 2001 – the conviction being eventually upheld in October 2006 – Mr Pakshayev complains that he was denied access to a lawyer during his questioning and first few days of police custody in May 1997. He submits that during the questioning he was threatened by the investigator that if he did not confess he would be raped by his cellmates. Mr Pakshayev then confessed to the murder but retracted his confession during the trial when represented by a lawyer. Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), Mr Pakshayev complains that he did not have any legal assistance during the initial stage of the criminal proceedings and that the confession he made was then used to convict him.

[Starokadomskiy v. Russia](#) (no. 2) (no. 27455/06)

The applicant, Nikolay Starokadomskiy, is a Russian national who was born in 1971 and lives in Moscow. The case concerns his pre-trial detention and the criminal proceedings against him. Mr Starokadomskiy was charged with aggravated murder in February 1998. Subsequently he was accused of other violent crimes together with several co-suspects. In November 2004 Mr Starokadomskiy was convicted of a number of offences including conspiracy to commit murder. His conviction was upheld on appeal and he was eventually sentenced to ten years' imprisonment in November 2005. Relying on Article 5 § 1 (right to liberty and security), Mr Starokadomskiy complains that his pre-trial detention from 2 October 2004 – when the trial court's detention order expired – and 10 November 2004 – when he was convicted – was unlawful. Relying further on Article 6 § 1 (right to a fair trial within a reasonable time), he complains that the trial in his criminal case was held closed to the public and that the length of the criminal proceedings was unreasonable.

[Aleksandr Vladimirovich Smirnov v. Ukraine \(no. 69250/11\)](#)

[Andrey Yakovenko v. Ukraine \(no. 63727/11\)](#)

[Danilov v. Ukraine \(no. 2585/06\)](#)

[Zinchenko v. Ukraine \(no. 63763/11\)](#)

The cases concern four communist activists who were arrested in December 2002 on suspicion of, among other things, terrorism.

The applicants are Aleksandr Vladimirovich Smirnov, a Russian national who was born in 1981; Andrey Olegovich Yakovenko, a Ukrainian national who was born in 1969; Igor Danilov, a Russian national who was born in 1967; and, Bogdan Zinchenko, a Ukrainian national who was born in 1983. Mr Smirnov lives in the Russian Federation and the other three applicants are currently serving prison sentences in Ukraine. All the applicants except Mr Smirnov were members of *Komsomol* (Young Communist League).

All four applicants were convicted in July 2004 of belonging to a criminal association, aiming to promote revolt through violence, and sentenced to between eight and fourteen years' imprisonment. The Supreme Court upheld their convictions and sentences in principle, making some amendments, in July 2005.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants all complain about the conditions of their detention. Mr Smirnov alleges overcrowding as well as poor ventilation, lighting heating and nutrition in Slavyanoserbsk Colony in a maximum security unit where he remained confined to his cell for most of the nearly two years he was detained there from November 2005 to September 2007. Mr Yakovenko alleges in particular overcrowding, aggravated by poor ventilation, lighting and sanitary facilities, in pre-trial detention centres in Odessa and Kyiv from March 2003 to November 2005 as well as inhuman conditions in prison vans, trains or transit points when he was transferred from Sokyriany Colony to Torez Colony between July and September 2006. Mr Danilov and Mr Zinchenko both complain of overcrowding and poor sanitary facilities in Odessa pre-trial detention centre, Mr Danilov also alleging poor conditions in transit to and once detained at Kryvyy Rig Colony. Mr Yakovenko, Mr Danilov and Mr Zinchenko further complain under Article 13 (right to an effective remedy) of the lack of remedies at national level for them to complain about those conditions of detention.

Also relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Danilov alleges that he was beaten and tortured by the police following his arrest in December 2002 and that the authorities' ensuing investigation into his allegations was ineffective. He claims in particular that he was subjected to various torture techniques at the local police station, and in particular that he was suspended from a crowbar with his hands handcuffed behind his knees which resulted in a long-term neural dysfunction of his hands.

All four applicants also complain under Article 6 §§ 1 and 3 (b) and (c) (right to a fair trial / right to adequate time and facilities for preparation of defence / right to legal assistance of own choosing) about not having proper access to a lawyer at the beginning of the criminal proceedings against them. Mr Yakovenko and Mr Zinchenko also allege that the proceedings against them were unfair as they were not given sufficient time to study the case file and that they were mentally and physically exhausted during the trial proceedings on account of the inhuman conditions in which they were being detained.

Lastly, Mr Zinchenko complains about restrictions on his parents' visiting rights throughout 2006, in breach of Article 8 (right to respect for private and family life).

## Repetitive cases

The following cases, concerning the conditions of detention in Russian custodial facilities, raise issues which have already been submitted to the Court. The applicants rely in particular on Article 3 (prohibition of inhuman or degrading treatment).

**Berger v. Russia** (no. 66414/11)

**Karbyshev v. Russia** (no. 26073/09)

**Malyugin v. Russia** (no. 71578/11)

**Vershinin v. Russia** (no. 18506/09)

**Zhulin v. Russia** (no. 33825/10)

## Length-of-proceedings cases

In the following cases, the applicants complain in particular, under Article 6 § 1 (right to a fair trial within a reasonable time), about the excessive length of civil proceedings.

**Kiisa v. Estonia** (nos. 16587/10 and 34304/11)

**Kiisa v. Estonia** (no. 72999/10)

---

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](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

### Press contacts

[echrpress@echr.coe.int](mailto: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.