EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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Forthcoming judgments

The European Court of Human Rights will be notifying in writing 12 judgments on Tuesday 24 June 2014 and eight on Thursday 26 June 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 24 June 2014

Petkov and Profirov v. Bulgaria (applications nos. 50027/08 and 50781/09)

The applicants, Stanislav Petkov and Petko Profirov, are Bulgarian nationals who were born in 1981 and 1980 respectively and live in Burgas (Bulgaria). The case concerns the applicants' detention for 24 hours by the police who believed that they were linked to a series of thefts.

Both applicants were arrested in a hotel in Stara Zagora on 4 March 2007; the police justified the arrests on the fact that the applicants had been in the company of a man who was on an international wanted list and that there had been a series of thefts in the city. They were questioned and issued with a 24-hour detention order and, not questioned or summoned further, were then released on 5 March 2007. Mr Petkov was arrested again on 6 December 2007 on a street in Burgas and detained for another 24 hours' detention; the police justified the arrest on the fact that it was late at night and Mr Petkov and another man had tried to hide a pair of pliers and gloves from them.

The applicants claim that they were arrested without reasonable suspicion of having committed an offence, were not informed of the reasons for their detention in the orders issued against them, were not given access to a lawyer during their detention, were unable to bring proceedings to obtain their immediate release and, once released, could not obtain compensation for their allegedly arbitrary detention. The case will be examined under Article 5 §§ 1, 2, 4, and 5 (right to liberty and security) of the European Convention on Human Rights.

Alberti v. Italy (no. 15397/11)

The applicant, Mr Dimitri Alberti, is an Italian national who was born in 1971 and was homeless at the relevant time. The case concerns his allegations that he was assaulted at the hands of the *carabinieri* after his arrest on 11 March 2010 while in a bar in Cerea (Verona).

A customer had called the authorities following a clash between the manager of the bar and Mr Alberti. Faced with the applicant's refusal to produce an identity document and the insults and threats made by him, the *carabinieri* decided to handcuff him and take him to the police station. They had difficulty in restraining the applicant, who put up a fight. He was then transferred to Verona Prison, where he told the doctor that he had been struck by the *carabinieri* during his arrest. Examination in a casualty department revealed three broken ribs and haematoma on the right testicle, resulting in twenty days' unfitness for work. The investigation opened following these allegations of ill-treatment was discontinued, as the State prosecutor considered that the events as related by the applicant were not corroborated by the witnesses who had been questioned.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Alberti alleges that he was assaulted whilst in the hands of the *carabinieri*, and that the authorities failed in their obligation to carry out a thorough, prompt and independent investigation into his allegations.

Azienda Agricola Silverfunghi S.a.s. and Others v. Italy (nos. 48357/07, 52677/0/07, 52687/07, and 52701/07)

The case concerns legislative intervention in pending proceedings relating to the benefits applicable to the applicant companies in connection with the payment of social security contributions.

The applicants are four agricultural companies operating in northern and/or disadvantaged areas in Italy, namely Azienda Agricola Silverfunghi S.a.s (based in Grone), Scarpellini S.r.l (based in Rome), SAP Pietrafitta S.r.l. (based in Sienna), and Floricultura Zanchi Di Zanchi F.Lli Società Semplice (based in Rome).

In the 1980s Italy introduced legislation to favour economic activity, and in particular agricultural activity. Under this new legislation the State introduced a system of concessions and/or exemptions in connection with the social security contributions which the firms paid for their employees. In 2000/2002 the firms brought proceedings in order to assert their entitlement. Claimants in a similar situation to that of the applicants had successfully established in the domestic courts that the applicable legislation was to be interpreted as conferring a right to two types of benefits cumulatively. The applicants won their cases at first instance and on appeal. The Italian legislator then passed a new law (Law no. 326/03) clarifying that the benefits envisaged in the earlier legislation were alternative and not cumulative. On the strength of the new legislation, the Court of Cassation dismissed the applicants' claim.

Relying on Article 6 § 1 (right to a fair hearing), the applicant companies complain about the legislative intervention – namely the enactment of Law no. 326/03 – while their proceedings were still pending before the Italian courts. They also allege under Article 1 of Protocol No. 1 (protection of property) that losing the concessions in their social security contributions amounted to a deprivation of their property.

Biraghi and Others v. Italy (nos. 3429/09, 3430/09, 3431/09, 3432/09, 3992/09, 4100/09, 11561/09, 15609/09, 15637/09, 15649/09, 15761/09, 15783/09, 17111/09, 17371/09, 17374/09, 17378/09, 20787/09, 20799/09, 20830/09, 29007/09, 41408/09, and 41422/09)

Cataldo and Others v. Italy (nos. 54425/08, 58361/08, 58464/08, 60505/08, 60524/08, and 61827/08)

Both cases concern legislative intervention in pending proceedings relating to the calculation of old-age pensions.

The applicants are 28 Italian nationals who were born between 1934 and 1947 and live in Italy.

In 1995 Italy changed its pension system from an earnings- or remuneration-based one to a contributory one. Following that change the applicants, who had worked in Switzerland and eventually moved to Italy (where they transferred their contributions paid in Switzerland), started receiving lower pensions as a result of a specific interpretation being used by the Italian welfare entity (INPS) concerning the calculation of pensions. The applicants brought judicial proceedings in 2005/6 challenging this interpretation. While those proceedings were still pending Law no. 296/2006 was enacted confirming the interpretation used by the INPS. Their claims were therefore rejected in 2008 and 2009 in view of the entry into force of Law no. 296/2006.

Relying in particular on Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), the applicants allege that the legislative intervention – namely the enactment of Law no. 296/2006 – while their proceedings were still pending before the Italian courts breached their right to a fair trial.

A.K. v. Latvia (no. 33011/08)

The case concerns an allegation of a gynaecologist's medical negligence in antenatal care.

The applicant, Ms A.K., is a Latvian national who was born in 1961 and lives in Rīga Parish (Latvia).

In June 2002 she gave birth to a daughter with Down's syndrome. She claimed that her gynaecologist had failed to ensure that she had an antenatal screening test during her pregnancy, in spite of the fact that she was 40 at the time and under domestic law should have been treated as a patient with a high risk pregnancy.

In July 2002 Ms A.K. therefore lodged a complaint with the Inspectorate for Quality Control of Medical Treatment ("the MADEKKI"), which issued an opinion to the effect that the gynaecologist had referred her for an antenatal test but, having failed to ensure that it was carried out, was in breach of the rules on the care of pregnant women. The gynaecologist was thus given a fine.

Ms A.K. subsequently brought a civil claim for damages against the hospital where her gynaecologist practised. The claim was dismissed in January 2006. The civil courts found that Ms A.K. was to blame for the fact that the antenatal screening test had not been carried out as she had not turned up for the test and had not informed her doctor about the risk of genetic illness running in her family (her eldest son has schizophrenia). In any case, the courts found that she was not in a high-risk category merely on account of her age and that there was no causal link between the failure to ensure that she had the test and the birth of her daughter with Down's syndrome. Ms A.K. maintained her complaints before the Civil Chamber and the Senate of the Supreme Court, but her claims were dismissed in April 2007 and September 2007, respectively.

Relying on Article 8 (right to respect for private and family life), Ms A.K. alleges that she was denied adequate and timely medical care in the form of an antenatal screening test which would have indicated the risk of her foetus having a genetic disorder and would have allowed her to choose whether to continue the pregnancy. She also complains that the national courts, by wrongly interpreting the Medical Treatment Law, failed to establish an infringement of her right to respect for her private life.

Petrova v. Latvia (no. 4605/05)

The case concerns organ transplantation.

The applicant, Svetlana Petrova, is a Latvian national who was born in 1955 and lives in Riga. The case concerns Ms Petrova's complaint that a public hospital removed her son's organs for transplantation purposes when he was involved in a road traffic accident and died from his injuries.

On 26 May 2002 Ms Petrova's son, Oļegs Petrovs, who was 23 years old at the time, sustained very serious injuries in a car accident and was taken to a public hospital in Riga. Following surgery, his condition deteriorated and he died on 29 May 2002. Nine months later Ms Petrova discovered – when reading the post-mortem report issued during the criminal proceedings against the person held liable for the car accident – that her son's kidneys and spleen had been removed for organ transplantation purposes immediately after his death. She lodged a complaint with the hospital, the police and the prosecutor's office. Ultimately, in August 2004 the Prosecutor General dismissed her complaint in a final decision which concluded that the organ removal had been performed in accordance with domestic law. Notably, the hospital did not have any contact details for Oļegs Petrovs' relatives and, under the relevant provisions, medical practitioners were not obliged to actively search and inform the closest relatives of the deceased about the possible removal of organs unless the person concerned was a child.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life), Ms Petrova alleges that the removal of her son's organs were carried out without her or her son's prior consent and that, in any event, no attempt had been made to establish her views. She alleges in particular that in view of the domestic law provisions in this area there should be some kind of mechanism to establish the wishes of a dying person through his or her closest relatives if that person had not made them known beforehand.

Ionuţ-Laurenţiu Tudor v. Romania (no. 34013/05)

The applicant, Ionuţ-Laurenţiu Tudor, is a Romanian national who was born in 1981 and lives in Drăgăşani (Romania). The case concerns his pre-trial detention.

He was arrested on 26 February 2005 on suspicion of fraud in the sale of a vehicle, and placed in police custody. His conviction for attempted fraud on 1 November 2005 was upheld on appeal on 30 April 2007.

Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the conditions of his detention in the Timişoara and Colibaşi Prisons, particularly overcrowding, and about the fact that he was obliged to wear a prison uniform for convicted persons when he appeared before the courts. Relying on Article 5 §§ 1 (c), 3 and 4 (right to liberty and security and right to speedy review of the lawfulness of detention), he also alleges, in particular, that the Romanian courts did not provide reasons justifying the need to extend his pre-trial detention. Under Article 6 § 1 (right to a fair trial), he alleges that the judges who decided his case could not have been impartial, since they ruled both on the merits of the case and on the issue of pre-trial detention. Lastly, relying on Article 6 § 2 (presumption of innocence), he alleges that by extending his pre-trial detention the judges expressed a preconceived opinion that he was guilty.

Roşiianu v. Romania (no. 27329/06)

The applicant, Ioan Romeo Roşiianu, is a Romanian national who was born in 1969 and lives in Baia Mare (Romania). The case concerns the failure to execute three final judicial decisions which ordered the mayor of Baia Mare to disclose information of a public nature, principally on the use of public funds.

At the relevant time the applicant had been, for more than six years, the presenter of a television programme on a local channel in Baia Mare which broadcast information on, *inter alia*, the use of public funds by the municipal administration. In January 2005 Mr Roşiianu was dismissed; the programme was cancelled and replaced by another one, which was funded by the municipal administration and focused on the latter's activities. In February and May 2005, on the basis of the law on free access to information of a public nature, Mr Roşiianu submitted three requests to the mayor of Baia Mare, seeking to obtain information concerning, in particular, official journeys by civil servants, management of the municipal administration's assets, its expenditure and contracts entered into by it, salaries, etc. The mayor replied in laconic letters, referring to appendices.

Relying on Article 6 § 1 (right of access to a court) and Article 10 (freedom of expression), the applicant complains about the failure to execute the three final judicial decisions ordering the mayor of Baia Mare to disclose that information to him.

Ukaj v. Switzerland (no. 32493/08)

The applicant, Adem Ukaj, is a Kosovar who was born in 1982 and lives in Kosovo. The case concerns his expulsion from Switzerland.

On 27 September 1998 he arrived in Switzerland with his mother and siblings, having fled the conflict in Kosovo. On account of the tensions in that region, the applicant's mother and siblings received provisional residence permits for Switzerland. Mr Ukaj was issued with a residence permit under the provisions for family reunification. Following the imposition of several penalties by the juvenile section of the prosecuting authority, the applicant was warned that he was running the risk of expulsion. Nonetheless, he subsequently became involved in new criminal activities on several occasions, and on 6 July 2005 he was sentenced to two and a half years' imprisonment for, among other things, multiple thefts, robberies and damage to property. While in prison, he married a 18-year old Swiss national, who was, he alleged, his long-term companion. The authorities decided to expel Mr Ukaj. In dismissing his appeal, the Federal Court emphasised Mr Ukaj's criminal energy

and potential for violence, and refused to find that he was well integrated in Switzerland, having arrived only at the age of sixteen. The Federal Court applied the rule stating that, where a sentence of more than two years is imposed, a foreigner who is married to a Swiss national can no longer be accepted in Swiss territory. The applicant divorced on 16 March 2010 and left for Kosovo on 2 November 2010.

Relying on Article 8 (right to respect for private and family life), he complains about his expulsion from Switzerland, on the ground that his private life had been established there for more than ten years.

Yarashonen v. Turkey (no. 72710/11)

The applicant, Zalim Yarashonen, is a Russian national of Chechen origin who was born in 1984 and lives in Istanbul. He arrived in Turkey in 2000 after his father and brother were allegedly killed by the Russian security forces and he fled the country.

He was arrested in October 2010 at Atatürk International Airport in Istanbul for illegal entry into Turkey as he had no passport. He was detained in view of his deportation initially at the airport police station and then at Kumkapı Removal Centre. He was released in April 2011 and granted an asylum-seeker certificate.

Relying in particular on 5 §§ 1, 2, 4, and 5 (right to liberty and security), Mr Yarashonen alleges that his detention from October 2010 to April 2011 was unlawful, that he was not informed of the reasons for his detention and that he was neither given the possibility of challenging the lawfulness of his detention or of obtaining compensation for those complaints. Further relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), he also alleges that the conditions of his detention in Kumkapı Removal Centre were inhuman and degrading, notably on account of overcrowding and poor hygiene, and that as result he contracted tuberculosis for which he was denied medical care.

Length-of-proceedings case

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

Grzona v. Poland (no. 3206/09)

Thursday 26 June 2014

Mennesson v. France (no 65192/11)
Labassee v. France (no 65941/11)

The applicants in the first case are Dominique Mennesson and Sylvie Mennesson, a husband and wife, French nationals who were born in 1955 and 1965 respectively, and Valentina Mennesson and Fiorella Mennesson, American nationals, who were born in 2000. They live in Maisons-Alfort (France). The applicants in the second case are Francis Labassee and Monique Labassee, a husband and wife, French nationals who were born in 1950 and 1951 respectively, and Juliette Labassee, an American national who was born in 2001. They live in Toulouse. The French authorities have refused to recognise the family relationship, legally established in the United States, between, on the one hand, the children Valentina Mennesson and Fiorella Mennesson, and Juliette Labassee, children who were born following surrogate pregnancy agreements, and on the other, the intended parents, the Mennesson and Labassee spouses respectively.

Mr and Mrs Mennesson had recourse to surrogate pregnancy in the United States, in which embryos created from Mr Mennesson's sperm and donated ova were implanted in the uterus of a third

woman. Mr and Mrs Labassee also used this procedure. Judgments delivered respectively in California, in the first case, and Minnesota in the second, indicate that Mr and Mrs Mennesson are the parents of Valentina and Fiorella, and that Mr and Mrs Labassee are the parents of Juliette. In France, the applicants requested that the American birth certificates be entered in the French civil status registers; Mr and Mrs Labassee further applied for a notarial deed to be entered as a marginal note[1]. They were dismissed at final instance by the Court of Cassation on 6 April 2011 on the ground that such entries or marginal notes would give effect to an agreement on surrogate pregnancy, null and void on public-policy grounds under the French Civil Code[2].

The seven applicants, relying on Article 8 (right to respect for private and family life), complain about the fact that, to the detriment of the best interests of the child, they had been unable to obtain recognition in France of a family relationship legally established abroad. The applicants in the Mennesson case, relying on Article 14 (prohibition of discrimination) taken together with Article 8, allege that, on account of this refusal by the French authorities, they experience a discriminatory legal situation compared to other children in exercising their right to respect for their family lives. Further relying on Article 12 (right to marriage), they allege a violation of their right to found a family and, under Article 6 (right to a fair hearing), complain about the proceedings at the close of which the French courts refused to recognise the effects of the "American" judgment.

De los Santos and de la Cruz v. Greece (nos. 2134/12 and 2161/12)

The applicants, Mariana de los Santos and Angela de la Cruz, are nationals of the Dominican Republic who were born in 1962 and 1979 respectively. The case concerns the conditions in which they were detained prior to their expulsion from Greece.

They were arrested on 10 August 2011 for illegal entry and placed in detention with a view to their deportation in the premises of the Thessaloniki department for illegal immigration. The applicants state, in particular, that they were detained in an overcrowded cell which was insufficiently lit on account of a metal grill covering the windows. They also submit that the sum of 5.87 euros allocated to them per day did not enable them to purchase a meal each. The applicants were transferred on 1 and 22 September respectively to the Aliens Directorate of Attica, from where they were deported a few days later. They submit that, in this last detention facility, it was impossible to breathe on account of smoke from the detainees' cigarettes, and they describe numerous sanitary and hygiene problems, particularly the fact that there was only a single shower and a single toilet for all of the female detainees.

They complain about all of these conditions of detention under Article 3 (prohibition of inhuman or degrading treatment).

Egamberdiyev v. Russia (no. 34742/13)

The applicant, Fayzullo Egamberdiyev, is a national of Uzbekistan who was born in 1975 and is currently in custody in the Omsk Centre for Social Adaptation. The case concerns proceedings for his removal from Russia to Uzbekistan.

Having arrived in Russia in November 2008, Mr Egamberdiyev was arrested in Omsk on 22 February 2013 and charged with using a false passport and illegally crossing the Russian border. Subsequently he was placed in detention pending extradition, as he was wanted by the Uzbek authorities on suspicion of being a member of an extremist religious organisation (Nurchilar). The custodial preventive measure against him was lifted on 23 May 2013 but he remained in detention until 6 June 2013 when he was transferred to police custody pending criminal proceedings brought

[1] An act issued by a judge, ascertaining possession of the status of son or daughter, that is, the reality experienced as a result of a family relationship.
[2] Article 16-9 of the Civil Code specifies that the provisions of Article 16-7 of the same Code ("All agreements relating to procreation or pregnancy for a third party shall be null and void") are matters of public policy.

against him on the false passport charges. He was found guilty in those proceedings on 17 September 2013 and, sentenced to a fine, was released.

In September 2013, he was re-arrested on the basis of an expulsion order against him issued on 23 May 2013 and placed in custody pending expulsion where he remains to this day. His removal has been suspended on the basis of an interim measure granted by the European Court of Human Rights on 31 May 2013 under Rule 39 of its Rules of Court, which indicated to the Russian Government that he should not be removed pending the current proceedings before the European Court.

Mr Egamberdiyev's application for refugee status, alleging a risk of persecution on religious grounds, was rejected by the migration service in September 2013.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Egamberdiyev alleges that, if returned to Uzbekistan, he would face a real risk of torture and ill-treatment, and that no effective remedies are available to him in respect of this allegation. He also alleges under Article 5 § 1 (f) (right to liberty and security) that his detention pending administrative removal after 23 May 2013 was unlawful, claiming that the real purpose of the expulsion proceedings was to keep him in custody pending the outcome of the extradition proceedings.

Gablishvili v. Russia (no. 39428/12)

The applicants, Aleksandre and Irina Gablishvili, husband and wife, were born in 1981 and 1987, respectively, and live in Syktyvkar in the Komi Republic of Russia. The case concerns an expulsion order against Mr Gablishvili.

Mr Gablishvili, a Georgian national, arrived in Russia in 1999 when he was 18 years' old, and subsequently received a residence permit which has been extended at regular intervals ever since. He married the second applicant, a Russian national, in 2011 and they have a son, who was born in 2012. His parents also settled in Russia in the early 2000s and have since obtained Russian nationality. Mr Gablishvili was diagnosed with HIV in June 2011.

Mr Gablishvili's expulsion was ordered in December 2011 by an administrative court when he was found guilty of a drugs offence and, as an automatic consequence, his residence permit was revoked in June 2012. A decision was also issued in October 2012 declaring his presence in Russia undesirable on account of the drugs offence of 2011, discontinued criminal proceedings against him in 2003 and other misdemeanours, including public drunkenness and drug consumption.

Relying on Article 8 (right to respect for private and family life), the applicants allege in particular that the enforcement of the expulsion order against Mr Gablishvili would break apart their family and would have a negative impact on his treatment for HIV infection. Also relying on Article 14 (prohibition of discrimination), the applicants allege that the expulsion order discriminated against him on account of his state of health.

Krupko and Others v. Russia (no. 26587/07)

The case concerns the disruption of a Jehovah's Witness religious meeting by armed riot police and the detention of its participants.

The applicants, Nikolay Krupko, Dmitriy Burenkov, Pavel Anorov, and Nikolay Solovyov, are Russian nationals who are Jehovah's Witnesses belonging to various congregations in Moscow.

On 12 April 2006 four hundred people, including the four applicants, were about to celebrate the annual Memorial of the Lord's Evening Meal, the most solemn and significant religious meeting for Jehovah's Witnesses, when the police arrived in substantial numbers and cordoned off the university building rented for the occasion. 14 men, including the four applicants, from the congregation were

segregated from the rest of the group and, taken to minibuses under police escort, were driven to the local police station where they remained for about three hours, until after midnight.

The four applicants brought proceedings before the national courts to complain in particular about the disruption to their service and their detention in the police station. The courts held, in a final judgment of March 2007, that the police had lawfully stopped the service as it had been held on unsuitable premises under domestic law and that the three hours spent by the applicants at the police station could not be considered as detention.

Relying on Article 5 § 1 (right to liberty and security), the applicants complain about the unlawfulness of their arrest and detention on 12 April into the early hours of the following morning, claiming that they were not invited to the police station, as alleged, and had had no choice but to follow the police otherwise they would have been accused of resisting the police. Further relying on Article 9 (freedom of thought, conscience, and religion), the applicants complain about the disruption to their religious meeting by the police, pointing out in particular that their service, a solemn religious rite, could not have caused any major noise or disturbance and that the massive display of police force and vehicles suggested that the police intervention was a well-planned raid aimed at harassing Jehovah's Witnesses in Moscow.

Shcherbina v. Russia (no. 41970/11)

The applicant, Aleksandr Shcherbina, was born in 1970. His nationality – Kazakh or Russian – is the subject of controversy between the parties. The case concerns his detention pending extradition.

Having fled to Russia from Kazakhstan in 2001, while on leave from serving a term of imprisonment in an "open colony", Mr Shcherbina was arrested and detained in Russia on 28 February 2011 on order of the Kaluga (Russia) town prosecutor, following an extradition request by the Kazakh authorities. On 15 April 2011 a district court found that his detention, in the absence of a detention order by a Russian court, was unlawful. At the same time, the court ordered his detention pending extradition to Kazakhstan, an extradition order having in the meantime been issued by the Deputy Prosecutor General. On 28 April 2011 a regional court quashed the detention order, finding that there was no risk of absconding, and Mr Shcherbina was released. The order for his extradition was subsequently upheld.

Relying in particular on Article 5 § 1 (right to liberty and security), he complains that his detention from 28 February to 28 April 2011 was unlawful. Relying further, in particular, on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), he complains that his request for a review of the prosecutor's detention order was not speedily examined.

M.E. v. Sweden (no. 71398/12)

The applicant, Mr M.E., is a Libyan national who is currently living in Sweden. The case concerns Mr M.E.'s threatened expulsion from Sweden to Libya, where he alleges he would be at risk of persecution and ill-treatment because he is a homosexual.

Mr M.E. first arrived in Sweden in July 2010 and applied for asylum. In the ensuing domestic proceedings, he claimed that he was at risk if deported to Libya on account of his prior involvement in the country in illegal weapons transport and because of his homosexuality. Indeed, he had been living with a man in Sweden since December 2010 and they had married in September 2011. His case was examined by the Migration Board, the Migration Court and the Migration Court of Appeal, which found that his claims, which had altered and escalated throughout the proceedings, lacked credibility. Ultimately, the Migration Board rejected his request for reconsideration in December 2012, which concluded that he could temporarily return to Libya and from there could apply for family reunion with his partner.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr M.E. alleges that, if he were forced to return to Libya to apply for family reunion from there, he would be at real risk of persecution and ill-treatment, primarily because of his homosexuality but also due to previous problems with the Libyan military authorities following his arrest for smuggling illegal weapons. He also complains under Article 8 (right to respect for private and family life) that his deportation would separate him from his partner.

Sukhanov and Ilchenko v. Ukraine (nos. 68385/10 and 71378/10)

The case concerns the authorities' failure to pay pension supplements.

The applicants, Gennadiy Sukhanov and Viktor Ilchenko, are Ukrainian nationals who were both born in 1938 and live in the city of Lugansk and in the town of Zhovti Vody, Ukraine, respectively. Under Ukrainian law they both have the special status of "children of war", namely persons who were no more than 18 years of age as of the date 2 September 1945.

Both applicants brought proceedings in 2008/2009 against the Ukrainian Pension Fund, claiming that they were entitled under the Children of War Social Protection Act to receive pensions with a supplement of 30% of the minimum pension. The courts ruled in the applicants' favour but held that, under the State Budget Act 2006, the supplement had been suspended and that it was for the Cabinet of Ministers to set up a mechanism for the relevant pension increase. No such mechanism has since been set up.

Relying on Article 1 of Protocol No. 1 (protection of property), both applicants complain about the authorities' failure to pay them the pension supplement to which they were entitled.

Repetitive case

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

Livada v. Ukraine (no. 21262/06)

The case concerns the applicant's complaints under Article 5 §§ 1, 3 and 4 (right to liberty and security) about the unlawfulness and excessive length of his pre-trial detention without effective judicial review.

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