



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 15 judgments on Tuesday 1 July 2014 and eight on Thursday 3 July 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 1 July 2014

[Dimitrov and Others v. Bulgaria \(application no. 77938/11\)](#)

The case concerns the death of a suspect in drug trafficking and pimping during a police operation.

The applicants, Raycho Angelov Dimitrov, Anita Rumenova Velyanova, Raycho Dimitrov Dimitrov, and Adriana Georgieva Dimitrova, are Bulgarian nationals who were born in 2000, 1979, 1948, and 1950 respectively and live in Blagoevgrad, Sofia, and Kyustendil (Bulgaria).

They are the son, *de facto* spouse and parents of Angel Raychov Dimitrov, born in 1967, who they allege was beaten to death on 10 November 2005 during an operation ordered by the regional police organised-crime unit on the suspicion that he was involved in distributing narcotic drugs and pimping. They claim that Angel Raychov Dimitrov was in his car talking on his mobile phone when police officers arrived, dragged him out of his car, handcuffed him behind his back and beat him for the next ten to fifteen minutes. According to the Government, Mr Dimitrov – who the police had reason to believe was armed, dangerous and under the influence of cocaine – had put up fierce resistance and therefore force had to be used to overcome him. Seeing as Mr Dimitrov was no longer moving, an ambulance was called to the scene and an emergency doctor confirmed that he had died. Five police officers were subsequently investigated and tried on charges of aggravated murder. They were ultimately acquitted in June 2011 by the Supreme Court of Cassation, which held that Mr Dimitrov had died from asphyxia by accident and therefore the officers' blows could not have caused his death.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, the applicants allege that their relative had been ill-treated and killed as a result of excessive use of force during a poorly planned police operation and that the ensuing investigation was ineffective, even stifled by the authorities. They also allege under Article 6 § 1 (right to a fair trial/hearing) of the European Convention that the criminal proceedings against the police officers accused of their relative's murder were biased and unfair, notably as some of the judges of the Supreme Court of Cassation who heard the case were related to employees of the ministry in charge of police matters, namely the Ministry of Internal Affairs.

[Guadagno and Others v. Italy \(no. 61820/08\)](#)

The applicants, S. Guadagno, F. Minichini and F. Portoghese, are Italian nationals who were born in 1947, 1941 and 1950 respectively and live in Salerno. The case concerns the non-enforcement of a judgment of the regional administrative court in their favour.

The applicants are administrative judges who obtained the status of members of the *Consiglio di Stato* on 11 June 1991. In December 1992, by an official request served on their governing body, they requested an adjustment of their salary under Law no. 265 of 8 August 1991, submitting that under the statutory provisions they were entitled to the same salary as that received by other

members of the *Consiglio di Stato* who, despite having less seniority, received a higher salary. The regional administrative court upheld their request. The Prime Minister's Office appealed. The *Consiglio di Stato* dismissed the appeal, but the authorities did not enforce the judgment of the regional administrative court. The latter then ordered the authorities to enforce its judgment, whereupon the authorities appealed. The *Consiglio di Stato* upheld the appeal, finding the non-enforcement of the regional administrative court's judgment to be lawful.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time), the applicants allege that the entry into force of Law no. 388 of 23 December 2000 influenced the *Consiglio di Stato's* decision and that there was a breach of the rule of law and of the fairness of the proceedings.

[Saba v. Italy \(no. 36629/10\)](#)

The applicant, Valentino Saba, is an Italian national who was born in 1951 and lives in Martis. The case concerns a complaint by Mr Saba and other prisoners against a number of prison officers for acts of violence that occurred in Sassari Prison on 3 April 2000.

On 2 May 2000 the judge ordered 22 accused to be placed in pre-trial detention while 60 others were placed under house arrest. Following the investigations the prosecution requested that a number of them be committal for trial, on charges of duress, assault and abuse of official power. The judge committed nine prison officers for trial and gave judgment on the merits of the charges against 61 other accused. In a judgment of 29 September 2009 the Sassari Court declared the proceedings against seven of the nine accused statute-barred and acquitted the other two. The remaining 61 officers were tried separately: 12 were given prison sentences ranging from a year and six months to four months' imprisonment, suspended, for aggravated duress, assault and abuse of official power. The Court of Appeal upheld six convictions, acquitted five defendants and convicted four others who had been acquitted at first instance. The ten accused who had been convicted appealed to the Court of Cassation, which dismissed nine of the appeals. In all, seven of those who were convicted were given a disciplinary penalty.

Relying on Article 3 (prohibition of torture and inhuman and degrading treatment), Article 5 (right to freedom and security) and Article 8 (right to respect for private and family life), and Article 13 (right to an effective remedy) taken in conjunction with Article 3, Mr Saba complains in particular of the treatment to which he was subjected by the prison officers. He submits that owing to the delays in the judicial proceedings these became statute-barred and the perpetrators cannot therefore be punished.

[Pareniuc v. the Republic of Moldova \(no. 17953/08\)](#)

The case concerns an allegation of police entrapment.

The applicant, Vera Pareniuc, is a Moldovan national who was born in 1955 and lives in Edinet (Republic of Moldova).

Ms Pareniuc, a former tax inspector, was convicted of bribe taking in a final decision of 21 March 2007. She was convicted on the strength of evidence (marked money) obtained during a police undercover operation of 17 February 2004 when a shop owner, wired by the police, gave Ms Pareniuc money in exchange for not reporting a discrepancy in the shop's books. Ms Pareniuc was given a fine of 1,200 euros, sentenced to a three years' suspended prison sentence and banned from working for the tax authority for three years.

Relying on Article 6 § 1 (right to a fair trial), Ms Pareniuc claims in particular that she was incited to commit the crime of accepting a bribe.

[Ruszkowska v. Poland \(no. 6717/08\)](#)

The case concerns the repartition of a survivors' pension between a deceased father's biological and foster children.

The applicant, Marzena Ruszkowska, is a Polish national who was born in 1973 and lives in Biała Podlaska (Poland). She and her late husband took care of nine children altogether, two biological and seven fostered. When her husband died suddenly in December 2004, she applied for dissolution of the foster family. As a result, the foster children were either placed with other foster families or went back to live with their biological families or in State-run care establishments. Mr Ruszkowska was covered by an insurance scheme run by the Farmers' Social Security Fund under which all nine children, both biological and fostered, were entitled to a survivorship pension. Ms Ruszkowska made a number of appeals before the national courts against the Fund's decisions to award all nine children the survivors' pension in equal parts, arguing that their decisions put her biological children at a disadvantage as compared to her former foster children who were now provided for by other families, but still continued to receive their part of the survivorship pension. Her appeals were all dismissed, ultimately by the Lublin Court of Appeal in December 2007.

Ms Ruszkowska alleges that the repartition of the survivors' pension was discriminatory against her and her biological children in comparison with her former foster children, claiming that, if she had not fostered children in the past, her biological children would have been entitled to half the pension each. They rely in particular on Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination) and Article 1 of Protocol No. 1 (protection of property).

[Blaga v. Romania \(no. 54443/10\)](#)

The case concerns international child abduction.

The applicant, Octavian Blaga, is a Romanian and American national who was born in 1967 and lives in Suwanee (the United States of America).

In 1993 Mr Blaga married another Romanian and American national in Georgia in the USA. They had three children, born in 1998 and 2000. They all lived in the USA until September 2008, when the mother took the children to Romania, without ever returning. As a result, Mr Blaga submitted a request to the US authorities under the Hague Convention (on the Civil Aspects of International Child Abduction) for the return of his three children, arguing that they had been unlawfully removed from US territory by his wife, in breach of a joint-custody agreement. The US authorities in turn submitted the request to the Romanian Ministry of Justice in December 2008. In a final judgment of March 2010 the Romanian courts, although acknowledging that the mother's refusal to return the children to their habitual residence in the USA was unlawful under the Hague Convention, dismissed Mr Blaga's request, principally on the ground that the children had freely and unequivocally expressed their wish not to return to the USA.

In the meantime, divorce-and-custody proceedings were brought against Mr Blaga by his wife in Romania in October 2008. The Romanian courts ultimately upheld the action in March 2014, awarding sole custody of the children to their mother.

Relying in essence on Article 8 (right to respect for private and family life), Mr Blaga alleges that the Romanian courts misinterpreted the provisions of the Hague Convention, relying exclusively on the opinion of his children to deny him their return to the USA, and failed to provide sufficient reasons for ignoring US court injunctions as well as documents submitted by the US authorities. He also complains under Article 6 § 1 (right to a fair trial within a reasonable time) about the excessive length of the divorce-and-custody proceedings instituted against him by his wife.

[Buciaș v. Romania \(no. 32185/04\)](#)

The case concerns the sale of immovable property.

The applicants, Alexandru and Ioan Buciaș, brothers, are Romanian nationals who were born in 1938 and 1939 respectively. Alexandru Buciaș died in December 2005 and his widow and daughter have continued the application before the European Court.

In 1994 the applicants' father entered into a loan agreement with a mortgage on his immovable property – a building and the surrounding land – located in Osorhei (Romania) being offered as a guarantee. As he did not reimburse the loan to deadline, his property was auctioned in May 1996 to another family. Mr Buciaș (father) challenged the forced sale before the national courts and in April 2000 the sale was annulled on the ground that the loan had been reimbursed and the price at which the property had been sold was considerably lower than its real value. He could not, however, repossess the property as, in the meantime, the family had sold it on to another individual. He therefore brought further proceedings requesting that both sale agreements be annulled. Ultimately, in April 2004 the courts overturned the annulment of the sale, rejecting the applicants' claim (their father having died during the proceedings) on the ground that the subsequent buyer of the property had acted in good faith. The applicants continued to live in the house in spite of a number of eviction proceedings brought against them.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain that, in spite of the fact that the sale of their immovable property to another family at auction had been annulled, they were not able to have its subsequent sale to another buyer annulled. They pointed out, in particular, that both the family and the subsequent buyer had acted in bad faith as they had to have been aware of the proceedings to contest the sale of the property and therefore of its uncertain legal status.

[Mihăilescu v. Romania \(no. 46546/12\)](#)

The case concerns detention conditions.

The applicant, Gabi Ainăld Mihăilescu, is a Romanian national who was born in 1971. He is currently detained in Iași Prison (Romania).

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Mihăilescu complains about the conditions of his detention pending trial on charges of human trafficking, initially from February 2012 when he was held in Bacău Police detention facility and then from March 2012 when he was transferred to Bacău Prison. He complains in particular about overcrowding, poor hygiene and the fact that he, a non-smoker, had to share his cell with smokers.

[Simon v. Romania \(no. 34945/06\)](#)

The applicant, Adolf Simon, is a Romanian national who was born in 1954 and lives in Ghiroda de Veche. The case concerns the length of Mr Simon's pre-trial detention and the justification for extending it.

On 21 October 2004 Mr Simon was placed in police custody, accused of fraud, forgery and use of forged documents. The next day the court ordered his placement in pre-trial detention on the ground that the offence was punishable by over four years' imprisonment and that his release posed a threat to public order. His pre-trial detention was subsequently extended several times. At regular intervals the court examined applications for release by Mr Simon and the appropriateness of keeping him in detention. In a judgment of 1 March 2006 Mr Simon was sentenced to five years' imprisonment for fraud, forgery and use of forged documents and ordered to pay compensation for pecuniary damage sustained by the civil parties. On 5 October 2006 the Court of Appeal found that the pre-trial detention had exceeded a reasonable time and ordered Mr Simon's release. By another

final judgment of 9 March 2009, the Court of Appeal found that the charges against Mr Simon in respect of some of the offences were statute-barred.

Relying on Article 5 § 1 (right to liberty and security) and Article 6 (right to a fair trial within a reasonable time), Mr Simon submits that the domestic courts failed to state relevant reasons for their decisions extending his pre-trial detention.

[Gerasimov and Others v. Russia \(nos. 29920/05, 3553/06, 18876/10, 61186/10, 21176/11, 36112/11, 36426/11, 40841/11, 45381/11, 55929/11, and 60822/11\)](#)

The applicants are 11 Russian nationals, born between 1927 and 1978, who live or lived in various regions of the Russian Federation (one applicant died during the proceedings and his widow is pursuing the application on his behalf).

The case concerns the lengthy non-enforcement of decisions by the Russian courts in the applicants' favour, which had become final between 2002 and 2009 and had ordered the authorities to provide the applicants with flats or to honour other obligations in kind (housing maintenance and repair services, provision of a car for a disabled person, delivery of an administrative document, etc.). Some of the judgments remain unenforced to date.

All the applicants complain that the authorities' failure to enforce the judgments in their favour within a reasonable time violated their rights under Article 6 § 1 (right to a fair trial within reasonable time). Six applicants also complain under Article 13 (right to an effective remedy) that they lack effective remedies at national level in respect of their complaints about the prolonged non-enforcement. Finally, seven applicants complain that their rights under Article 1 of Protocol No. 1 (protection of property) were violated. The Court communicated all those cases to the Russian Government in April 2012 with a view to a possible pilot judgment.

[Isaković Vidović v. Serbia \(no. 41694/07\)](#)

The applicant, Suzana Isaković Vidović, is a Serbian national who was born in 1967 and lives in Celje (Slovenia). The case concerns her complaint that proceedings brought against her former neighbour in Serbia for causing her severe bodily harm were terminated as time-barred.

In September 1997 Ms Isaković Vidović, who was living in Šabac (Serbia) at the time, was allegedly punched in the face by her neighbour following an argument. She lost consciousness and spent the night in hospital. She lodged a criminal complaint against her neighbour and he was indicted in March 1998 with causing her severe bodily injuries. He was convicted at first-instance and sentenced to a four-month suspended prison sentence. This decision was, however, subsequently quashed and a new trial ordered. The courts held or adjourned six further hearings, but the proceedings were ultimately terminated as time-barred in September 2007.

Relying in particular on Article 8 (right to respect for private life), Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Ms Isaković Vidović complains about the way in which the criminal proceedings against her neighbor were conducted and the fact that they resulted, effectively, in his impunity.

[Ridić and Others v. Serbia \(nos. 53736/08, 53737/08, 14271/11, 17124/11, 24452/11, and 36515/11\)](#)

The case concerns the length of enforcement proceedings against a copper mining company with regard to work-related pecuniary claims.

The applicants, Ilija Ridić, Slobodan Srbu, Milan Mitić, Bora Lazarević, Milorad Antonijević, and Goran Pobrić, are Serbian nationals who were born in 1962, 1957, 1962, 1945, 1951, and 1977 respectively and live in Žagubica, Majdanpek, Gornji Vrtoš, and Donji Milanovac (Serbia). They were all employed by a copper mining company based in Majdanpek (Serbia) and, between 2001 and 2005, brought

separate civil suits against the company essentially seeking payment of salary arrears. The courts ruled in favour of all the applicants and ordered the mining company to pay them their various work-related claims; following protracted enforcement proceedings, the applicants were paid the full amounts in 2011.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), the applicants allege that the length of the enforcement proceedings was excessive.

[A.B. v. Switzerland \(no. 56925/08\)](#)

The applicant, A.B., is a Swiss national who was born in 1965 and lives in Porrentruy (Switzerland). He is a journalist.

On 15 October 2003 A.B. published an article in a weekly magazine about criminal proceedings that had been instituted against M.B., who had been placed in pre-trial detention for driving his car into pedestrians, killing three of them and injuring eight others before throwing himself off the Lausanne Bridge. The article described the defendant's background, gave a summary of the questions asked by the police and the investigating judge and the defendant's replies and was illustrated by a number of photographs of letters sent by M.B. to the investigating judge. A.B. was prosecuted for publishing confidential documents. On 23 June 2004 the Lausanne investigating judge sentenced him to one month's imprisonment, suspended, which was subsequently replaced by a fine of approximately 2,667 euros. A.B. unsuccessfully appealed on points of law and his subsequent public-law appeal and appeal on grounds of nullity were dismissed by the Federal Court.

Relying on Article 10 (freedom of expression), A.B. complains of his conviction for breach of the confidentiality of a judicial investigation. He submits that he suffered an unjustified interference with his right to freedom of expression.

Repetitive cases

The following cases raise issues which have already been submitted to the Court.

Geta Stanciu and Others v. Romania (no. 29755/06) – Just Satisfaction

This case concerned, in particular, the applicants' complaints that the domestic authorities had failed to enforce final judgments in their favour. In its [principal judgment](#) of 23 March 2010 the Court held that there had been violations of Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair hearing within a reasonable time), and reserved the question of just satisfaction. The Court will deal with this question in its judgment of 1 July 2014.

Şekerçi v. Turkey (no. 9961/08)

In this case the applicant complains of the lack of effective remedies by which to obtain compensation for his allegedly unlawful detention. He was arrested and placed in pre-trial detention in December 2005, and subsequently acquitted for want of evidence in April 2009. He relies on Article 5 § 4 (right to have the lawfulness of his detention decided speedily), Article 5 § 5 (right to compensation) and Article 6 § 1 (right to a fair trial within a reasonable time).

Thursday 3 July 2014

[Mohammadi v. Austria \(no. 71932/12\)](#)

The case concerns an expulsion order against an Afghan asylum-seeker.

The applicant, Qadam Shah Mohammadi, is an Afghan national who was born in 1995 and currently lives in Rein (Austria).

Mr Mohammadi entered Austria in October 2011 and lodged an asylum application. He had left his village in Afghanistan three months earlier and had travelled via Iran, Turkey, Greece, the Former Yugoslav Republic of Macedonia, Serbia and Hungary. The Austrian Asylum Office, the Asylum Court and finally, in October 2012, the Constitutional Court all rejected his asylum request and ordered his transfer to Hungary under the Dublin II procedure (a European Union regulation which requires EU member States to determine which member State is responsible for examining an asylum application lodged on their territory). Mr Mohammadi's removal was, however, suspended in November 2012 on the basis of an interim measure granted by the European Court of Human Rights (under Rule 39 of its Rules of Court) requesting the Austrian Government to stay his transfer to Hungary until further notice.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Mr Mohammadi alleges that, if forcibly transferred to Hungary, where asylum seekers are systematically detained, he would be at risk of imprisonment under deplorable conditions. He further complains that he would be at risk of *refoulement* to a third country, possibly Serbia (the country he travelled through before arriving in Hungary), without his asylum claim being examined on the merits in Hungary.

[R & L, s.r.o. and Others v. the Czech Republic \(nos. 37926/05, 25784/09, 36002/09, 44410/09, and 65546/09\)](#)

The case concerns complaints relating to rent regulations.

The applicants in this case are R & L, s.r.o., a limited liability company based in Brno, and four Czech nationals: Josef Čapský, born in 1939, Miroslava Jeschkeová, born in 1947, František Šumbera, born in 1945, Michal Heldenburg, born in 1975, and Olga Heldenburg, born in 1979. They live in Prague, Brno, and Svitavy (the Czech Republic).

The applicants, who are property owners, complain about rent regulations imposed by the state in various periods between 2002 and 2006. Their main concern was that they were unable to increase the rents paid by their tenants which they considered too low and which they had never agreed to. The respective rent agreements were created when the applicant property owners entered into existing tenancy agreements which retained certain rights relating to the personal use of a flat. This meant that the agreements were valid for an indefinite period, rents were set in compliance with regulations existing at the relevant time, and the landlord's right to terminate was seriously limited. All the applicants sued the State for damages corresponding to the difference between the regulated rent and the amount of rent usually paid in their locality. Their claims were ultimately dismissed by the Constitutional Court in 2008 and 2009.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination), the applicants complain that the rent agreements adversely affected their peaceful enjoyment of their property, they were discriminated against in comparison to owners whose flats had not been subject to rent controls and did not have at their disposal any effective domestic remedies for the violation of their property rights under Article 13 (right to an effective remedy).

[Nikolitsas v. Greece \(no. 63117/09\)](#)

The applicant, Christos Nikolitsas, is a Greek national who was born in 1941 and lives in Larissa. The case concerns his conviction in Greece for possession of drugs on the basis of statements made in criminal proceedings in Turkey.

Mr Nikolitsas was arrested by the police in a flat in Istanbul in the company of two other persons suspected of drug trafficking. In October 1999 the three of them were placed in pre-trial detention for 26 months. In November 2001 Istanbul National Security Court sentenced Mr Nikolitsas to ten years' imprisonment and to a fine for possession of drugs. In September 2002 the public prosecutor at the Larissa Criminal Court in Greece issued an arrest warrant against Mr Nikolitsas. He was released from Turkey on 7 October 2003 and arrested on his return to Greece. On 15 March 2004

the Larissa Criminal Court of Appeal found him guilty of being arrested in Turkey in possession of 2.3 kg of heroin and 70 grams of cocaine. He was sentenced to 18 years' imprisonment and to a fine of EUR 15,000. The court deducted from his sentence the length of his pre-trial detention in Greece and the length of the sentence he had served in Turkey. In a decision of 15 June 2009 Mr Nikolitsas was released on licence.

Relying on Article 6 § 1 (right to a fair trial) and Article 6 § 3 d) (right to examine witnesses), Mr Nikolitsas complains that he was convicted without being able to examine or have examined witnesses, whose statements made without his knowledge during the preliminary investigation in Turkey served as a basis for his conviction in Greece.

[Amadayev v. Russia \(no. 18114/06\)](#)

[Antayev and Others v. Russia \(no. 37966/07\)](#)

Both cases concern incidents of violence against people of Chechen ethnic origin in the Kurgan Region of Russia.

The applicant in the first case is Zhanar-Ali Amadayev, a Russian national, who was born in 1965 and lives in Chastoozerye, a district in the Kurgan Region (Russia). He was attacked on 18 May 2002 in front of his house by a group of up to 15 men. The men shot him in both knees with an airgun, causing fractures, and beat him with baseball bats, breaking his arm. An investigation into the attack was immediately opened and, by the end of June 2002, a dozen witnesses had been questioned. Subsequently, two identification parades took place, the scene of the incident was examined and Mr Amadayev and another victim were medically examined. The investigation was, however, suspended in August 2002 for failure to identify the perpetrators of the attack and, as of August 2011, there appears to have been no further investigative steps taken.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Amadayev alleges that, despite prior warning about the possibility of ethnic violence, the Russian authorities failed to prevent the attack or, afterwards, to investigate it. He also alleges under Article 38 (obligation to furnish necessary facilities for the examination of the case) that the Russian Government have failed to submit copies of additional documents in their case's investigation file.

The applicants in the second case are two families, the Antayev's and the Vashayev's, ten Russian nationals, born between 1936 and 1992, and living in the Vargashinskiy District, Kurgan Region (Russia). Eight of the applicants allege that they were beaten and injured by the police during searches carried out at their homes on 24 March 2006 following a fight in which two members of the Antayev and Vashayev families were involved. They also allege that the police shouted racist verbal abuse at them during the searches. The prosecuting authorities opened a criminal investigation into the applicants' allegations a month after the searches. The investigation has since been suspended and reopened a number of times and is currently still pending with it thus far having proved impossible to identify the police officers who had allegedly ill-treated the applicants.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) and Article 13 (right to an effective remedy), eight of the applicants allege that they were subjected to ill-treatment by the police and that the ensuing investigation into their allegations was ineffective. The other two applicants complain about the anguish they had suffered as witnesses to their families' ill-treatment.

The applicants in both cases also rely on Article 14 (prohibition of discrimination) in conjunction with Article 3 (prohibition of torture and of inhuman or degrading treatment), alleging that the incidents of violence against them were racially motivated and that the authorities failed to investigate these allegations.

Dubinskiy v. Russia (no. 48929/08)

The case concerns pre-trial detention.

The applicant, Sergey Dubinskiy, is a Russian national who was born in 1975 and lives in Velikiye Luki, Pskov Region (Russia).

In March 2008, Mr Dubinskiy was arrested when a stolen car was found in his garage. The Opochna District Court (Pskov Region) refused to remand Mr Dubinskiy in custody during the criminal proceedings against him dismissing the argument by the investigator that he might abscond, continue criminal activities or put pressure witnesses. Notwithstanding that court order, Mr Dubinskiy was not released but was arrested by an investigator from another police department in Dedovichi (in the same region, Pskov) on suspicion of involvement in another car theft relating to a vehicle owned by the President of the Dedovichi District Court. The court was asked by the Dedovichi investigator to remand Mr Dubinskiy in custody relying on the same grounds as his counterpart investigator. In April 2008 the Dedovichi District Court authorised Mr Dubinskiy's pre-trial detention (which the domestic appellate courts upheld on a largely similar basis). His pre-trial detention lasted until September 2009 when he was released pending a re-trial. He was ultimately convicted of the two car thefts in August 2010 but relieved from serving his sentence given the time he had already spent in detention.

Relying on Article 5 §§ 1 (c), 3 and 4 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial / right to have lawfulness of detention decided speedily by a court), Mr Dubinskiy alleges that he was unlawfully remanded in custody, that the length of his pre-trial detention was excessive and that the judge who authorised his remand in custody had not been impartial.

Mala v. Ukraine (no. 4436/07)

The applicant, Anzhela Mala, is a Ukrainian national who was born in 1968 and lives in Zaporizhzhya (Ukraine). The case concerns two sets of proceedings she brought against her former husband in 2006 to recover arrears in child maintenance as well as related penalties.

Relying on Article 6 § 1 (right to a fair hearing), she alleges that both sets of proceedings were unfair because, in their decisions, the national courts relied on a bailiff's report of April 2006 as key evidence to assess the amount of child maintenance arrears owed to her and refused to examine a report she produced of October 2006, which was more favourable to her and which she argues was the valid document.

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of civil proceedings.

Jatairways, A.D. Beograd v. Slovenia (no. 10761/09)

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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.