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

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Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 10 judgments on Tuesday 3 February 2015 and 54 judgments and / or decisions on Thursday 5 February 2015.

*Press releases and texts of the judgments and decisions will be available at **10 a.m.** (local time) on the Court's Internet site (www.echr.coe.int)*

Tuesday 3 February 2015

Smits and Others v. Belgium (applications nos. 49484/11, 53703/11, 4710/12, 15969/12, 49863/12 and 70761/12)
Vander Velde and Soussi v. Belgium and the Netherlands (nos. 49861/12 and 49870/12)

The applicants are offenders who were found not to be criminally responsible for their actions and whose psychiatric detention was ordered in the interests of public safety and of their own treatment. These cases concern the issue of the detention of offenders suffering from mental disorders in the psychiatric wings of ordinary prisons.

Relying on Article 5 § 1 (right to liberty and security), the applicants allege that they are being detained in conditions unsuited to their state of mental health and that the reasonable time-limit for placing them in an appropriate institution has been exceeded. Relying on Article 5 § 4 (right to speedy review of the lawfulness of detention) and Article 13 (right to an effective remedy), they argue that they did not have an effective remedy in respect of their complaint concerning the inappropriate nature of their place of detention.

Ilieva and Others v. Bulgaria (no. 17705/05)

The case concerns the restitution of agricultural land.

The applicants, Stanka Ilieva, Stanko Stanev, Kalin Iliev and Stanko Iliev, are Bulgarian nationals who were born in 1928, 1949, 1958 and 1954 respectively. Stanko Stanev and Kalin Iliev live in Teteven and Stanko Iliev lives in Pleven (both in Bulgaria). Stanka Ilieva, who died in 2012, also lived in Teteven.

Following the entry into force of a law on the ownership and use of farmland, the applicants filed a claim in 1991 for restitution of agricultural land owned by their ancestors in the area of Ribaritsa, the Lovech region, which was collectivised after 1945. In the ensuing restitution proceedings the district court restored the applicants' property rights to the plot of land in question by way of a final judgment of 9 April 1998. The court found in particular that the land continued to be formally allocated as agricultural (a proposal to expropriate it having been rejected in 1985) and that the plot had not been registered as State- or municipally-owned.

Before the applicants made these restitution claims, the company "Pochivno delo na SSHP" EOOD, which was entirely State-owned, had been using and managing a hotel constructed in the 1960s on the plot of land claimed by the applicants. In August 1998 the company thus brought civil proceedings seeking ownership of the land. The Supreme Court of Cassation subsequently held in a final judgment of January 2005 that the company had become the owner of the plot of land, that the hotel on the land represented a "complex of construction works", which already existed at the time the law on farmland entered into force in 1991, and that all this meant that the restitution of the

plot in kind was not permitted by law. As a result, the applicants were granted compensation in lieu of restitution in 2006.

Relying on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights, the applicants complain that in the civil proceedings against "Pochivno delo na SSHP" EOOD the national courts re-examined the final judgment in their favour of April 1998 and that this approach breached the principle of legal certainty. Also relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicants complain about their inability to obtain restitution of their land in kind, alleging that the compensation they had received instead was inadequate and that the restitution process itself had lasted too long and had left them in a prolonged situation of uncertainty.

Just Satisfaction

Nedelcheva and Others v. Bulgaria (no. 5516/05)

The applicants, Kera Nedelcheva, Geno Dzhingov, Minka Halvadzhieva, Frosina Gineva, Magda Despotova, Raycho Kostov, Ginka Georgieva and Todorka Dimitrova, are eight Bulgarian nationals who were born between 1918 and 1948 and live in Burgas (a port city on the Black Sea) and Sozopol (a resort on the Black Sea) (both in Bulgaria).

The applicants complained that the authorities had refused to restore to them land expropriated from their ancestors after 1945 and on which the State-owned seaside resort "Duni" had subsequently been constructed.

In its principal judgment of 28 May 2013 the Court held that there had been two violations of Article 1 of Protocol No. 1 (protection of property), finding in particular that the Bulgarian authorities had failed to enforce a final court judgment of 4 January 2008 in which the applicants had been awarded compensation in lieu of restitution of the land in the Duni seaside resort and that they had been responsible for lengthy delays in the restitution process.

Under Article 41 (just satisfaction) the Court awarded the eight applicants 12,000 euros (EUR), to be divided in accordance with their inheritance shares, for damage related to the delays in the restitution process, and EUR 3,324 to the applicants, jointly, for costs and expenses.

It held that the claim arising from the authorities' failure to enforce the court judgments was not yet ready for decision and reserved it for examination at a later date.

The Court will deal with this question in its judgment of 3 February 2015.

Andrişcă v. Romania (no. 65804/09)

The applicant, Viorel Andrişcă, is a Romanian national who was born in 1957 and lives in Popeşti. The case concerns allegations of misconduct by police officers who intervened at the scene of a fight.

On the evening of 14 August 2007 Mr Andrişcă, who is retired, was sitting on a restaurant terrace with three friends. A dispute arose between one of them, S.I., and two waitresses. The management of the restaurant summoned the police, who proceeded to arrest S.I. by force and place him in handcuffs. The three remaining members of the group were taken to the police station. One of them resisted, while Mr Andrişcă and the third person agreed to accompany the police to their car.

The parties differ in their account of what happened when the applicant was getting into the car. Mr Andrişcă stated that, after complaining that the applicant was walking too slowly, one of the police officers forced him to lower his head and twisted his arm behind his back. He claimed also to have been punched in the head and neck and kicked in the abdomen. A report drawn up following the forensic medical examination carried out on Mr Andrişcă stated that he was suffering from "injuries to the larynx; bruising of the larynx, acute respiratory difficulties, imminent asphyxia and

dysphonia". It further found that Mr Andrişcă had post-traumatic injuries caused by contact with hard objects and by blows.

Mr Andrişcă lodged a criminal complaint with the public prosecutor's office against two police officers, accusing them of misconduct. The officers denied assaulting him. On 29 January 2009 the District Court acquitted the two police officers on the ground that they had not committed the acts with which they were charged. Both the public prosecutor and Mr Andrişcă appealed against the judgment. The High Court of Cassation and Justice dismissed the appeals and upheld the first-instance judgment finding that the accused had not committed the acts with which they were charged.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 6 (right to a fair trial), Mr Andrişcă alleges that he was ill-treated by the police officers during his arrest and that no effective investigation was carried out into his allegations of ill-treatment.

Apostu v. Romania (no. 22765/12)

The applicant, Sorin Apostu, is a Romanian national who was born in 1968 and lives in Târgu Mureș (Romania). He was the former mayor Cluj-Napoc. His case concerns his complaint about the conditions of his pre-trial detention on suspicion of corruption and allegation that parts of the prosecution file against him were leaked to the media.

In November 2011 Mr Apostu was summoned by the prosecuting authorities who had launched a criminal investigation against him, his wife and three businessmen on suspicion of corruption and placed in pre-trial detention. The investigation against Mr Apostu was subsequently extended to trading in influence, complicity in and incitement to forgery. The criminal proceedings against him are apparently still pending. His pre-trial detention has been regularly extended by the courts and his requests for release dismissed on account of the nature and severity of the corruption-related offences of which he stands accused as well as the risk that, if released, he might obstruct the course of justice by intimidating witnesses.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Apostu complains about the conditions of his detention in Cluj police station detention facility between November 2011 and January 2012 and in Gherla and Rahova prisons in various short periods from January to March 2012. He notably alleges overcrowding, inadequate heating, lighting and hygiene. He also complains about the conditions in which he was transported from Gherla Prison to Rahova Prison on 12 January 2012. Also relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), he complains that he was unable to confer in private with his lawyer in Gherla Prison on account of a glass partition dividing them during their meetings. Lastly, under Article 8 (right to respect for private and family life, the home and the correspondence), he alleges that excerpts from the prosecution file against him – in particular his private telephone conversations intercepted by the authorities' telephone tapping – were leaked to the media and then published in November and December 2011.

Pruteanu v. Romania (no. 30181/05)

The applicant, Alexandru Pruteanu, is a Romanian national who was born in 1974 and lives in Bacău. He is a lawyer. The case concerns the interception of his telephone conversations and his inability to challenge the lawfulness of the measure and to request that the recordings be destroyed.

On 1 September 2004 the commercial company M. was barred from carrying out bank transactions. The police received several criminal complaints against the company for deceit. One of the company's partners, C.I., instructed the applicant as his defence lawyer.

On 24 September 2004 the District Court authorised the prosecuting authorities to intercept and record the partners' telephone conversations for a period of thirty days. From 27 September to

27 October 2004 the fraud investigation unit intercepted and recorded C.I.'s conversations, including twelve conversations with the applicant. On 21 March 2005 the District Court held that the recordings were relevant to the criminal case against C.I.'s fellow partners in company M., and ordered that the transcripts and the tapes be placed under seal. Mr Pruteanu and C.I. both lodged appeals, which were declared inadmissible.

Relying on Article 8 (right to respect for private and family life) taken alone and in conjunction with Article 13 (right to an effective remedy), Mr Pruteanu complains of interference with his right to respect for his private life and correspondence on account of the recording of his telephone conversations with his client C.I.

Bayar and Gürbüz v. Turkey (no. 2) (no. 33037/07)

The applicants, Ali Gürbüz and Hasan Bayar, are two Turkish nationals who were born in 1971 and 1982 and live in Cologne (Germany) and Bern (Switzerland). They are the owner and editor respectively of the daily newspaper *Ülkede Özgür Gündem*, which has its registered office in Istanbul (Turkey). The case concerns the fine imposed on them for publishing a statement by an illegal armed organisation.

On 24 March 2004 the newspaper published an article containing statements made by Mr Aydar, chair of a branch of the illegal armed organisation the PKK. The public prosecutor charged Mr Gürbüz and Mr Bayar with publishing a statement by an illegal armed organisation, an offence punishable under the Prevention of Terrorism Act.

On 30 March 2004 the Assize Court ordered each of the applicants to pay a fine of 445,616,000 former Turkish liras (TRL), approximately 247 euros (EUR). Mr Gürbüz and Mr Bayar appealed on points of law. The case was remitted to the Assize Court, which ordered each of the applicants to pay a slightly lower fine of 440 Turkish liras (TRY), equivalent to approximately EUR 233. The applicants again sought leave to appeal on points of law, but their application was rejected on the ground that where the amount of the fine did not exceed TRY 2,000 the judgment was final. On 24 February 2010 the Assize Court, re-examining the case following a judgment of the Constitutional Court of 26 November 2009 which deleted the reference to "owners" in a provision of the Act, stayed execution of Mr Gürbüz's sentence.

Relying on Article 10 (freedom of expression), the applicants allege that their conviction infringed their right to freedom of expression. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), they maintain that their case was not heard within a reasonable time and that they had no domestic remedy by which to contest the length of the criminal proceedings against them, assert their complaint under Article 10 of the Convention and complain of being prevented from lodging an appeal on points of law.

Hutchinson v. the United Kingdom (no. 57592/08)

The applicant, Arthur Hutchinson, is a British national who was born in 1941 and is detained in Her Majesty's Prison Durham (the United Kingdom). The case concerns his complaint about his whole life sentence for murder.

In September 1984 Mr Hutchinson was convicted of aggravated burglary, rape and three counts of murder, the trial judge sentencing him to a term of life imprisonment with a recommended minimum tariff of 18 years. In December 1994 the Secretary of State informed Mr Hutchinson that he had decided to impose a whole life term and, in May 2008, the High Court found that there was no reason for deviating from this decision given the seriousness of Mr Hutchinson's offences. Mr Hutchinson's appeal was dismissed by the Court of Appeal in October 2008. On 18 February 2014 the Court of Appeal delivered its judgment in *R v. Newell; R v. McLoughlin,* in which it held that whole life orders were open to review under national law and therefore compatible with Article 3 of the Convention.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Hutchinson alleges that his whole life sentence amounts to inhuman and degrading treatment as he has no hope of release.

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court

These rulings can be consulted from the day of their delivery on the Court's online database HUDOC.

They will not appear in the press release issued on that day.

Yayğın v. Turkey (no. 62581/12)

Thursday 5 February 2015

Čikanović v. Croatia (no. 27630/07)

The applicant, Pavle Čikanović, is a Croatian national who was born in 1952 and lives in Vukovar (Croatia). The case concerns salary arrears following his dismissal from his job working for local government.

Mr Čikanović worked for the Borovo Municipality until 16 January 1991, when he was made redundant. He subsequently brought civil proceedings against the municipality, seeking his reinstatement and salary arrears. By a partial judgment of 15 October 1996, the courts annulled the decision to dismiss him, finding that it was unlawful, and ordered his reinstatement. The courts decided to wait until this partial judgment had become final before examining his claim for salary arrears. The claim for salary arrears was then dismissed by the courts in June 2004 on the ground that Mr Čikanović had not applied for enforcement of the partial judgment of October 1996 within 30 days of it becoming final (on 29 November 1996). Mr Čikanović lodged an appeal on points of law, arguing that he could not possibly have applied for enforcement of the partial judgment because the defendant's appeal had at the time still been pending and he could not therefore have been aware that the judgment had become final. The Supreme Court then upheld the dismissal of his claim for the period from December 1996 to October 1997 but remitted the case to the first-instance court for salary arrears between March 1991 and December 1996. The applicant's constitutional complaint concerning the salary arrears from December 1996 to October 1997 was dismissed in November 2006 and in the resumed proceedings before the first-instance court the municipality was ordered to pay Mr Čikanović salary arrears for the period between March 1991 and December 1996.

In the meantime, Mr Čikanović had taken early retirement in September 1997 on grounds of disability.

Relying on Article 6 § 1 (right to a fair hearing / access to court), Mr Čikanović complains about the decisions dismissing his claim for salary arrears between December 1996 and October 1997 for non-compliance of a time-limit which had been impossible for him to comply with.

NML Capital LTD v. France (no. 23242/12)

The applicant, NML Capital LTD, is an investment company with its registered office in Ugland House, Grand Cayman (Cayman Islands). The case concerns the payment of debts that were bought up by "vulture funds" on the secondary market in Argentinian sovereign debt.

The applicant company had purchased Argentinian government bonds in 2001 and 2003. In 2006, after Argentina had defaulted on payment, it obtained a judgment from a New York district court – which was declared enforceable in France in 2011 – ordering the debtor to repay the amount of the debt plus interest. As the judgment was not voluntarily enforced by the Republic of Argentina, the company made several attempts to secure enforcement. In France, it obtained an interim attachment order on 3 April 2009 in respect of debts in the hands of the Banco Bilbao Vizcaya

Argentaria, under the judgment handed down by the US court. The attachment order related to the accounts of the Embassy of the Republic of Argentina, its permanent delegation to UNESCO, its defence attaché, its army and air force, the Argentinian foundation and the Argentinian tourist office. In June 2009 the enforcements judge ordered the lifting of the attachment order, on the grounds that bank accounts opened on behalf of an embassy for the purposes of its public service activities on the territory of the receiving State were exempt from attachment, for reasons of diplomatic immunity. That judgment was upheld by the Court of Cassation in September 2011.

Relying on Article 6 (right of access to a court), the applicant company alleges that the French courts, by accepting that the Republic of Argentina enjoyed immunity from execution, deprived it of its right to enforcement of a judicial decision, an integral part of the right of access to a court. Relying on Article 1 of Protocol No. 1 (protection of property), it further complains that the ruling of the Court of Cassation prevented it from securing enforcement of the debts owed to it.

A.M.E. v. the Netherlands (no. 51428/10)

The case concerns a Somali asylum-seeker's claim that, if transferred to Italy, he would be subjected to harrowing living conditions.

The applicant, A.M.E., claims to be a Somali national, born in 1994. According to his submissions, he left Somalia in August 2008, fearing for his life after an attack on his parents' home in which his brother was killed and which A.M.E. believed to be a consequence of both brothers' refusal to join the al-Shabaab militant group. A.M.E. arrived in Italy and applied for international protection in April 2009. He subsequently applied for asylum in the Netherlands in October 2009 but was informed that his claim had been rejected on 2 June 2010. On 16 April 2010 the Netherlands authorities requested the Italian authorities to take him back under the terms of the EU Dublin regulation.

Relying in particular on Article 3 (prohibition of torture and inhuman or degrading treatment), A.M.E. complains that his removal to Italy would expose him to poor living conditions and he fears that the Italian authorities would expel him directly to Somalia without an adequate examination of his asylum case.

Phostira Efthymiou and Ribeiro Fernandes v. Portugal (no. 66775/11)

The applicants, Gabriella Phostira Efthymiou and Elizabeth Ribeiro Fernandes, are a Cypriot and a Portuguese national respectively who were born in 2006 and 1978 and live in Cantanhede (Portugal). The case concerns a request for the return of the first applicant, the daughter of the second applicant, to her country of habitual residence, Cyprus, which was granted by the Portuguese Supreme Court.

Ms Ribeiro Fernandes met her partner, Mr D., a South African and Cypriot national, in Mozambique. In November 2006 they had a daughter, Gabriella Phostira Efthymiou. In December 2007 the family moved to Cyprus. In September 2009, with the father's consent, Ms Ribeiro Fernandes went on holiday to Portugal with the child, with a planned return date of 15 September. On that date she informed her partner that she had decided to remain in Portugal with their daughter and would not be coming back to Cyprus.

On 21 September Mr D. applied to the Cypriot central authority seeking the return of his daughter to Cyprus under the Hague Convention. The Cypriot authority submitted a request to its Portuguese counterpart seeking the child's return.

In an order of 2 November 2009 the public prosecutor at the Coimbra family court requested the return of the child to Cyprus on the grounds that she was being unlawfully retained in Portugal. In January 2010 the Coimbra court held that retaining the child in Portugal was wrongful for the purposes of Article 3 (b) of the Hague Convention, in so far as parental responsibility had been exercised jointly and Mr. D had been opposed to the child's settling in Portugal. Noting that the child

had been retained there for less than a year, the court ordered her return to Cyprus. On 5 February 2010 Ms Ribeiro Fernandes appealed against that judgment. On 15 June 2010 the Coimbra Court of Appeal set aside the judgment and ordered that the child should not be returned to Cyprus. The prosecuting authorities lodged an appeal on points of law and the Supreme Court quashed the Court of Appeal judgment and upheld the judgment given by the Coimbra family court at first instance. According to the most recent information received, dating back to 16 May 2014, the child is still in Portugal with her mother.

Relying on Article 8 (right to respect for private and family life), the applicants allege an infringement of their right to respect for their family life on account of the decision of the domestic courts ordering the child's return to Cyprus.

Khloyev v. Russia (no. 46404/13)

The applicant, Andrey Khloyev, is a Russian national who was born in 1974 and lives in St. Petersburg (Russia). The case concerns, in particular, his complaint of not having received adequate medical assistance in detention for his condition – which included chronic viral hepatitis, diabetes and tuberculosis – and of having been remanded in custody without valid reasons.

Mr Khloyev was arrested in late February 2012 on suspicion of having organised a criminal group to commit a number offences, including aggravated kidnapping, extortion and robbery. He was subsequently remanded in custody, where he remained – the detention order being extended on numerous occasions – until his release for medical reasons in late October 2013.

Mr Khloyev complains that the Russian Government breached his rights under Article 34 (right of individual petition) by failing to have his medical examination performed with a view to answering three questions about his condition – as requested by the European Court of Human Rights on 3 October 2013 under Rule 39 of its Rules of Court (interim measures) – namely: whether his treatment in detention was adequate to his condition; whether his state of health was compatible with detention; and whether his condition required treatment in a hospital. Relying further on Article 3 (prohibition of inhuman or degrading treatment), he complains that he did not receive adequate medical care while in detention, which led to a serious deterioration in his condition. Finally, he relies on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial), complaining of the length of his detention on remand and alleging that the orders for his detention were not based on sufficient reasons.

Mifobova v. Russia (no. 5525/11)

The applicant, Lyudmila Mifobova, is a Russian national who was born in 1958 and lives in Magadan (Russia). The case concerns her involuntary placement in a psychiatric hospital.

Ms Mifobova, examined by a psychiatrist following a complaint from her local mayor's office that she had been stalking the mayor and his employees, was interned on 20 May 2010. On 26 May 2010 the national courts held a hearing in which they ordered Ms Mifobova's involuntary hospitalisation, basing their decision on her long history of schizophrenia and inability to control her behaviour. Representatives of the hospital, social services, prosecuting authorities as well as Ms Mifobova herself were present at the hearing; her legal representative was notified of the hearing but did not appear. The decision to intern her was upheld at an appeal hearing on 6 July 2010. The hearing was held in the presence of a representative from the hospital and a prosecutor; Ms Mifobova was absent as she had not been transferred from the hospital to the courthouse and she was not represented by a lawyer. The appeal court upheld the order to intern her. She was released at some point in 2010.

Relying on Article 5 §§ 1 and 4 (right to liberty and security), Ms Mifobova alleges that the authorities had had no reason to hospitalise her, complaining in particular that she had been

prevented from effectively participating in the first-instance and appeal proceedings deciding on her case.

Razzakov v. Russia (no. 57519/09)

The applicant, Rashid Razzakov, is an Uzbekistani national who was born in 1971 and lives in the village of Mikhnevo, Nizhnedevitskiy district of Voronezh region (Russia).

According to Mr Razzakov's submissions, on 26 April 2009, three police officers took him by force to a police department and demanded he confess to a murder. He refused to do so and alleges that he was tortured in police custody until he agreed to confess to the offence. On 28 April 2009 he was released, having signed two documents which he was unable to read. No criminal proceedings were brought against him. Following Mr Razzakov's complaint of ill-treatment, the authorities initially refused to open criminal proceedings. The decision was quashed and criminal proceedings were opened in October 2009; they were subsequently suspended and reopened and have not led to the identification of those responsible for his ill-treatment. In parallel civil proceedings brought by Mr Razzakov, the District Court of Voronezh, in November 2011, awarded him compensation for damages.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Razzakov complains that he was tortured in police custody to make him confess and that no effective investigation was conducted into his complaints. He further relies on Article 5 § 1 (right to liberty and security), complaining in particular that the police officers arbitrarily deprived him of his liberty.

Sergey Zubarev v. Russia (no. 5682/06)

The applicant, Sergey Pavlovich Zubarev, is a Russian national who was born in 1953 and lives in Tula (Russia). The case concerns the national courts' refusal to accept his defamation claim against a judge on grounds of judicial immunity.

Mr Zubarev, a lawyer, brought a defamation claim against a judge who had asked the Bar Association in April 2005 to institute disciplinary proceedings against him for his conduct in civil proceedings. The judge notably alleged that Mr Zubarev had caused delays in a set of civil proceedings in which he was one of the representatives due to absence without good reason. In May 2005 the courts refused to accept his claim for consideration because of the judge's judicial immunity from liability in her professional capacity as presiding judge of the civil case. That decision was upheld in June 2005 on appeal.

Relying in particular on Article 6 § 1 (access to court), Mr Zubarev alleges that the national courts' refusal to examine his defamation claim on the merits had denied him access to a court.

Furman v. Slovenia and Austria (no. 16608/09)

The applicant, Andrej Furman, is a Slovenian national who was born in 1955 and lives in Maribor (Slovenia). The case concerns contact and enforcement proceedings in which he sought to obtain access to his daughter.

Mr Furman and his former partner separated in 1997, and in early 1998 agreed on a provisional contact schedule for him to see their daughter, born in 1993. However, his former partner subsequently stopped allowing him contact with his daughter and moved to Austria with the child. Mr Furman brought proceedings before the Slovenian authorities and obtained a contact order in October 2000, against which the mother successfully appealed. Following the remittal of the case and a number of delays due to the authorities' inability to locate the mother, the Maribor District Court issued an interim order in July 2007, allowing Mr Furman contact with his daughter, and, in September and October 2007, he saw her for the first time in more than nine years. However, his

daughter subsequently refused to see him again and, following her request, an Austrian court suspended Mr Furman's contact rights in a decision eventually upheld in August 2009.

Relying in substance on Article 8 (right to respect for private and family life), Mr Furman complains that the Slovenian and Austrian authorities prevented him from enjoying family life with his daughter, alleging in particular that the delays in the proceedings were related, in part, to the uncooperative attitude of the Austrian authorities, which he had asked for help in re-establishing contact with his daughter.

Ogorodnik v. Ukraine (no. 29644/10)

The applicant, Maksym Ogorodnik, is a Ukrainian national who was born in 1983. He is currently serving an eleven and a half years' imprisonment in Berdychiv Prison no. 70 (Ukraine) following his conviction in May 2009 – upheld in February 2010 – on 17 counts of aggravated theft and robbery. The case concerns his allegation of severe ill-treatment in police custody.

Mr Ogorodnik, who had a history of criminal convictions for theft, was arrested on 16 July 2008 in connection with a number of armed robberies and thefts committed in the Kyiv and Vinnytsia regions. In his ensuing police custody – until 25 July 2008 under administrative detention and after that as a criminal suspect – he alleges that the police subjected him to various forms of ill-treatment to make him confess to the robberies and thefts. He alleged in particular beatings, strangulation with a plastic bag, suspension from an iron bar and rape with a baseball bat On several occasions from September 2008 onwards Mr Ogorodnik lodged complaints with the domestic authorities about his ill-treatment, submitting that all his confessions and waivers of legal assistance had been given under duress. An investigation was opened into his complaints and the police officers concerned were questioned. However, in November 2008 the Vinnytsia prosecuting authorities refused to institute criminal proceedings against the accused officers due to lack of evidence, the officers having denied the allegations of ill-treatment and having explained that they had had to use force against Mr Ogorodnik due to his resistance to arrest. On similar grounds, the Vyshgorod prosecuting authorities also subsequently refused to institute criminal proceedings against the police officers.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Ogorodnik alleges that he was severely ill-treated in police custody and that the authorities made no meaningful effort to investigate the truth regarding his allegations or punish the police officers concerned. He notes in particular that the authorities had never questioned him as a victim. Further relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), he also complains that his initial administrative detention had been for an ulterior motive, notably to allow the police to put pressure on him and to deny him access to a legal representative, and that his ensuing confessions – as well as those made after his detention had been registered as criminal – had been used as the basis for his conviction, the trial court not even dealing with his complaints of ill-treatment by the police.

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database HUDOC.

They will not appear in the press release issued on that day.

Kücher v. Austria (no. 2834/09)
Hashimov v. Azerbaijan (no. 48413/13)
Mansurov v. Azerbaijan (no. 35834/11)
Mustafa v. Azerbaijan (no. 40063/11)
Ver Eecke and Reulen v. Belgium (nos. 45458/12 and 14485/13)
Mihaylova v. Bulgaria (no. 30942/04)
Tantilovi v. Bulgaria (no. 39351/05)

Bibic and Others v. Croatia (no. 74392/12)
Peric v. Croatia (no. 38878/13)
Perisic v. Croatia (no. 80553/12)
Repac v. Croatia (no. 12992/13)
NML Capital LTD v. France (no. 23242/12)
Gramann v. Germany (no. 10152/13)
Evgenidis and Others v. Greece (no. 55000/10)
Kolonis and Others v. Greece (no. 29547/12)
Lefantzis and Others v. Greece (nos. 52846/09, 61099/09, 63158/09, 66507/09, 67088/09, 1792/10, 9453/10, 19065/10, and 60560/10)
Mekras and Kalopaidis v. Greece (no. 23257/13)
Miliaressis-Focas v. Greece (no. 54341/11)
Papadopoulos v. Greece (no. 32540/11)
Vasilakos v. Greece (no. 45761/11)
Kasprzykowski v. Poland (no. 47663/11)
Dumitrescu v. Romania (no. 23858/08)
Motocu v. Romania (no. 49794/10)
Bushuyev v. Russia (no. 6625/07)
Gerasimova and Others v. Russia (nos. 1467/06, 6272/06, 9846/06, 12472/06, 41468/06, 1135/07, 4342/07, 8075/07, 15346/07, 49566/07, 55269/07, and 7919/08)
Gordeyev v. Russia (no. 40618/04)
Ostanko v. Russia (no. 32325/06)
Ovchinnikovy v. Russia (no. 29834/07)
Saakov v. Russia (no. 39563/11)
Shamin and Others v. Russia (nos. 24850/06, 33032/06, 10037/07, 43384/07, 24241/08, and 35833/08)
Shchedrova v. Russia (no. 53416/07)
Stavropoltsev and Others v. Russia (nos. 9929/05, 12763/05, 20670/05, 28632/05, 33678/05, 511/06, 8864/06, 8933/06, 23189/06, 43122/06, 49033/06, 49062/06, 50213/06, 2019/07, 2125/07, 3504/07, and 21166/07)
Yefimov v. Russia (no. 45691/06)
Abdulrazagh v. Sweden (no. 24705/11)
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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.