



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 16 judgments on Tuesday 17 March 2015 and 33 judgments and / or decisions on Thursday 19 March 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 17 March 2015

[Stefan Stankov v. Bulgaria \(application no. 25820/07\)](#)

The applicant, Stefan Stankov, is a Bulgarian national who was born in 1958 and lives in Rusokastro.

The case concerns Mr Stankov's legal incapacitation and his subsequent placement by his mother, as his guardian, in a social care home for people with mental disorders.

On 21 May 1999 a court declared Mr Stankov to be partially incapacitated on the grounds that he suffered from schizophrenia, which had led to a change in personality and deprived him of the ability to manage his own affairs and interests. Mr Stankov's mother was appointed as his guardian. On 22 June 1999 she asked the social services to take her son into care. On 30 June 1999 Mr Stankov was admitted to the Dragash Voivoda home for men with mental disorders, an institution under the responsibility of the Ministry of Labour and Social Policy. On 26 September 2002 he was transferred to the Rusokastro home for adults with a mental deficiency, which was under the responsibility of the same Ministry. In June 2006 Mr Stankov, through his lawyer, asked the public prosecutor's office to apply to the Regional Court to have his legal capacity restored on the grounds that his condition allowed him to manage his own interests. The prosecutor refused to institute proceedings for restoration of his legal capacity.

Mr Stankov submits that his placement in a social care home is in breach of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights. Relying on Article 5 § 4 (right to speedy review of the lawfulness of detention), he complains that he was unable to have the lawfulness of his placement in the home reviewed by a court. Relying on Article 5 § 5 (right to compensation), he submits that he was not entitled to compensation for the alleged violations of his rights. Relying on Article 3 (prohibition of inhuman or degrading treatment) read separately and in conjunction with Article 13 (right to an effective remedy), he alleges that he was subjected to physical violence in the Dragash Voivoda social care home, and also complains about the living conditions in both the homes in which he has been placed. Relying on Article 6 (right of access to a court), he complains that he did not have the possibility of applying to a court for restoration of his legal capacity. Under Article 8 read separately (right to respect for private and family life) and in conjunction with Article 13 (right to an effective remedy), he alleges a violation of his right to respect for his private life, home and correspondence and submits that Bulgarian law did not afford him a sufficient and accessible remedy in that regard.

[Chinez v. Romania \(no. 2040/12\)](#)

The applicants, Mihai, Marius-Romeo and Ionuț Ludovic Chinez, are Romanian nationals who were born in 1986, 1987 and 1985 respectively and live in Bucharest. They are brothers. Their case concerns an incident in which all three brothers claim to have been attacked by a group of taxi

drivers, forcibly detained by the police and two of the brothers ill-treated by the police whilst in detention.

Late one night in March 2008 the three brothers and their parents hailed a taxi in the street because they wanted to go to the local police station to report a crime. The taxi driver stopped but refused to take them and an argument ensued. The taxi driver was joined by other drivers from his firm and two police officers patrolling the area stopped when they noticed the group. They were subsequently joined by three more police units. The argument escalated into a fight. The police allege that they were attacked by the brothers and their father. The police took the three brothers to the police station. Two of the brothers allege that they were beaten by the police at the police station, one of whom had to be taken by ambulance to hospital where he remained for two days. The two brothers who remained at the police station were questioned and released the following afternoon when their lawyer arrived.

In July 2008 the three brothers brought criminal proceedings against the police officers who they claimed had subjected them to abusive behaviour, unlawful arrest and misconduct. In June 2011 the Prosecutor's Office of the Bucharest Court of Appeal dismissed the complaint about police misconduct at the police station, a decision upheld on appeal, but decided to continue investigating the police officers who had been at the scene of the argument on the street. This investigation is pending.

Relying in substance on Article 3 (prohibition of inhuman or degrading treatment), the brothers complain that they were subjected to ill-treatment by the police officers as well as the taxi drivers in 2008, and that there has been neither effective investigation nor a fair trial in relation to their complaints. Relying also on Article 5 § 1 (right to liberty and security), the brothers complain that they were denied their liberty during questioning at the police station.

[Dobre and Others v. Romania \(no. 34160/09\)](#)

The applicants, Petre Dobre, Stela Iotcovci, Rădoica Iezdici, Victoria Balogh, Ioan Tomesc, Virgil Prodan, Daniela-Oxana Radu and Vasile-Adrian Drăgulescu, are eight Romanian nationals who were born in 1959, 1964, 1938, 1945, 1953, 1958, 1955 and 1945 respectively. They all live in Timișoara, except for Ms Iezdici, who lives in Variaș. They are victims or the heirs of victims of the armed crackdown on the anti-totalitarian demonstrations which started in Timișoara on 16 December 1989.

Relying on Article 2 (right to life), the first four applicants complain that the authorities did not conduct an effective investigation into the death of their relatives during the crackdown on the December 1989 demonstrations in Timișoara. The other four complain that the authorities did not conduct an effective investigation into the life-endangering acts of ill-treatment to which they were allegedly subjected in the context of the same events. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), they complain of the length of the criminal proceedings relating to the armed crackdown on the December 1989 demonstrations.

[Akdemir and Evin v. Turkey \(nos. 58255/08 and 29725/09\)](#)

The applicants are four Turkish nationals: Aysel Akdemir, the mother of the late Turgay Ergin, and Fatma Evin, the mother of the other two applicants, Suat Evin and Servet Evin.

The case concerns the explosion of a device found by a group of children, killing one of them and seriously injuring the others, and the length of the compensation proceedings subsequently brought by their parents.

On 13 March 1999, in the Hani district (province of Diyarbakır), Turgay Ergin, a seven-year-old boy, was playing with Servat Evin, aged eight, when Suat Evin, aged 11, came up to them with an object he had found in a bin near a military shooting range. The object exploded in his hands. Servat Evin

suffered brain damage and displacement of the cornea, and Suat Evin had his left forearm amputated. Turgay Ergin died from his injuries.

On 2 August 1999 the Hani public prosecutor's office concluded that the death had been caused by the explosion of a bomb – originally an explosive device belonging to the armed forces – that had been prepared by PKK terrorists and left in a bin. Its efforts to identify the perpetrators were unsuccessful. On 3 July 2009 it discontinued the case as the prosecution had become time-barred.

In February 2000 Aysel Akdemir and Fatma Evin applied to the Ministry of the Interior for compensation for the death of and injuries to their respective children, but to no avail. In June 2000 Ms Akdemir and Ms Evin brought a compensation claim with the Administrative Court, in which Ms Akdemir sought a sum equivalent at the time to 52,859 euros (EUR) for pecuniary and non-pecuniary damage and Ms Evin, on behalf of her children, sought the equivalent of EUR 70,150 at the time for pecuniary damage. In accordance with subsequent court decisions, Ms Akdemir received a sum equivalent to EUR 22,172 in January 2011. In January 2012 Ms Evin and her children were awarded the equivalent of EUR 38,036 in accordance with court decisions.

Relying on Article 2 (right to life), the applicants complain that the State failed to comply with its obligations. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), they also complain about the length of the proceedings in the administrative courts.

Revision

[Cülaz and Others v. Turkey \(nos. 7524/06 and 39046/10\)](#)

In this case, in which the Court delivered a [judgment on 15 April 2014](#), the applicants are 18 Turkish nationals, all of whom live in Silopi (Turkey), except for one who lives in Brussels (Belgium).

The case concerned relatives of the applicants who had been arrested and taken to Görümlü gendarmerie station; their families had had no news of them since.

The Court found a violation of Article 2 (right to life; investigation) as regards application no. 7524/06. It declared application no. 39046/10 inadmissible. By way of just satisfaction in application no. 7524/06, the Court awarded EUR 65,000 to each applicant family in respect of non-pecuniary damage and EUR 5,000 to all the applicants jointly in respect of costs and expenses.

On 6 November 2014 the applicants' representative informed the Court that the applicant Yasin Akıl was not the son but the brother of İbrahim Akıl, one of the disappeared. He requested the revision of the judgment in accordance with Rule 80 of the Rules of Court. The Government stated that they had no objection to the revision of the Court's judgment of 15 April 2014. On 17 March 2015 the Court will rule on the revision of its judgment of 15 April 2014 in accordance with Rule 80.

[Şükrü Yıldız v. Turkey \(no. 4100/10\)](#)

The applicant, Şükrü Yıldız, is a Turkish national who was born in 1982 and lives in Erzurum.

The case concerns the applicant's alleged ill-treatment during his arrest and his complaint that the investigation into his allegations was not effective.

On 10 December 2000 at 3 a.m. police officers patrolling an area of Istanbul noticed Mr Yıldız, accompanied by three other people, writing illegal slogans on walls. After shots were fired, one of the other men sustained an injury to the ear and another suffered head wounds, from which he later died. Mr Yıldız, who sustained minor head injuries, alleges that during his arrest, police officers kicked him in the head while forcing him to get inside their car. Mr Yıldız remained in hospital until 18 December 2000 and underwent an operation for a skull fracture with depression in the right parietal region.

In January 2001 the prosecuting authorities instituted criminal proceedings against Mr Yıldız for membership of an illegal organisation (the MLKP). In April 2004 he was found guilty of undermining the integrity of the State in a judgment upheld by the Court of Cassation in April 2005.

In November 2001 the public prosecutor instituted criminal proceedings against the police officers involved in the events. In a judgment of 24 May 2012, finding that the police officers had acted in self-defence, the Assize Court discharged them of any criminal liability. Mr Yıldız appealed to the Court of Cassation, which ordered the acquittal of the accused.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicant complains about the treatment to which he was allegedly subjected during his arrest.

Relying on Articles 6 (right to a fair trial) and 13 (right to an effective remedy), he complains of the ineffectiveness of the investigation into his treatment by the police in the course of his arrest and the length of the criminal proceedings brought against the police officers.

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.

Kepecs v. Hungary (no. 65499/11)

Macher v. Hungary (no. 65245/11)

Mester and Others v. Hungary (no. 58689/11)

Pataricza v. Hungary (no. 44197/11)

Tóth v. Hungary (no. 67542/11)

Ignătescu and Others v. Romania (nos. 32168/05, 30403/06, 12522/08, 62989/10, 6898/11, 14566/11, 20656/11, 54593/11, 57508/11, and 59238/11)

Paula Constantinescu v. Romania (no. 28976/03) – **Just satisfaction**

Tiberiu Vlad and Others v. Romania (nos. 21386/02, 22030/05, 30830/08, 25855/09, 40992/10, 45172/10, 13537/13, 27928/13, 31279/13, and 46681/13)

Özgür Çelik v. Turkey (no. 6670/10)

Öztekin and Yıldız v. Turkey (no. 26300/10)

Thursday 19 March 2015

Corbet and Others v. France (nos. 7494/11, 7493/11, and 7989/11)

The applicants, Yves Léonzi, Jean-Charles Corbet and Christian Paris, are three French nationals who were born in 1957, 1952 and 1954 and live in Boulogne-Billancourt, Boursonne and La Varenne Saint-Hilaire respectively. They were involved in putting together a rescue bid for the airline Air Liberté before it was put into compulsory liquidation on 17 February 2003. The case concerns the applicants' prosecution and conviction for misappropriating assets from the airline.

On 26 February 2003 the public prosecutor's office at the Paris *tribunal de grande instance* opened a preliminary investigation into suspected misappropriation of assets within Air Liberté.

On 18 March 2003 the National Assembly decided to set up a parliamentary commission of inquiry to examine the economic and financial causes of the collapse of Air Liberté. It heard evidence under oath from witnesses including the applicants. The commission's report of 11 June 2003 stated, among other things, that Mr Corbet and his team had accumulated substantial wealth "in circumstances that might interest the judicial authorities". The report was forwarded to the Paris public prosecutor.

Criminal charges were brought against the applicants. On 25 September 2007 Mr Corbet was found guilty of criminal conversion and misappropriation of corporate assets and was sentenced to four years' imprisonment, suspended for 18 months, fined EUR 300,000, disqualified from holding corporate office for five years and ordered to pay damages. Mr Léonzi was found guilty of aiding and abetting the misappropriation of corporate assets and handling misappropriated corporate assets and was sentenced to three years' imprisonment, suspended for eighteen months, fined EUR 300,000, barred from practising as a lawyer for two years and ordered to pay damages. Mr Paris was found guilty of handling misappropriated corporate assets and given a suspended sentence of eight months' imprisonment.

The convictions were upheld on appeal on 27 February 2009 and an appeal on points of law by the applicants was dismissed on 30 June 2010.

Relying on Article 6 §§ 1 and 2 (right to a fair trial / right to be presumed innocent), the applicants allege a violation of their right to remain silent and not to incriminate themselves, the right to be presumed innocent and the rights of the defence, contending that the report by the parliamentary commission on the collapse of Air Liberté, which was forwarded to the public prosecutor's office, served as a basis for their prosecution. Mr Corbet also complains, under Article 5 § 3 (right to liberty and security), about his detention from 22 to 24 July 2003, after he was taken into police custody and until he was brought before an investigating judge.

[Kolakovic v. Malta \(no. 76392/12\)](#)

The applicant, Jovica Kolakovic, is a British national who was born in 1956 and lives in Msida (Malta). His case concerns the length of time he was held in pre-trial detention and the unrealistic conditions set for his release on bail.

Mr Kolakovic was arrested in Malta in 2009 and charged with the possession of cannabis and conspiracy for the purposes of drug trafficking. He was remanded in custody. Having applied unsuccessfully for bail on several occasions, he eventually, in 2010, lodged constitutional redress proceedings, requesting his immediate release. In 2011 the Constitutional Court found that his rights under Article 5 §§ 3 and 4 (right to liberty and security) of the Convention had been breached but did not order his release or change the bail terms as it noted that another court had agreed to grant him bail one month earlier. Mr Kolakovic claimed that the conditions set for his release on bail, at EUR 50,000 deposit with a EUR 15,000 guarantee, were impossible for him to meet as the Court had failed to take the real state of his financial circumstances into account. As a result he remained in custody. Mr Kolakovic made repeated requests for more modest bail conditions to be set, and eventually in 2012 the bail conditions were reduced to EUR 5,000 deposit with a EUR 70,000 personal guarantee. Mr Kolakovic deposited the money and was released on the same day. The criminal case is still pending.

Relying on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) Mr Kolakovic complains that he was detained for 16 months after the court granted him bail because it was impossible for him to meet the financial conditions set by the court. He further complains that the authorities have not shown proper diligence in conducting the criminal case as, four years after his arrest, no trial date had been set although he had attended 97 hearings in court.

[Kulik v. Ukraine \(no. 10397/10\)](#)

The applicant, Vitaliy Kulik, is a Ukrainian national who was born in 1977 and lives in the village of Budy, Kharkiv Region (Ukraine).

Mr Kulik was arrested in 2003 on suspicion of stealing cucumbers and of disobeying and resisting police officers. According to the Government, he was taken to the police station and released the same day, while Mr Kulik alleges that he was beaten by the police and forced to confess to the theft

and only released on the next day. A doctor who saw him on the day of his release noted bruising, concussion and a possible fractured nose; Mr Kulik was later admitted to hospital for treatment for these injuries.

A few months later, Mr Kulik requested the prosecution of the police officers allegedly involved in ill-treating him whilst in detention. This request was initially refused, but the prosecutor eventually agreed to open criminal proceedings. Subsequently the investigation was repeatedly suspended, with the investigators claiming that there was either no evidence of a crime having been committed or that they were unable to identify the perpetrators. The investigation was still pending in 2012. In 2009 the local prosecutor informed Mr Kulik that disciplinary proceedings were underway against the investigators for inadequate investigation.

In 2005 criminal proceedings in the cucumber theft case were dropped due to lack of proof that any crime had been committed.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Kulik complains that he was ill-treated by police officers and that there has been no effective investigation into what happened.

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Dhondt v. Belgium (no. 73963/12)

Hilami v. Belgium (no. 19819/14)

Kun v. Hungary (no. 32805/09)

Vamos and Others v. Hungary (nos. 48145/14, 48244/14, 48250/14, 48285/14, 49885/14, 51948/14, 63580/14, 66577/14, and 67222/14)

N.R. v. the Netherlands (no. 10260/13)

Avadanii and Others v. Romania (no. 50432/11)

Enache v. Romania (no. 44659/13)

Enciu v. Romania (no. 62755/11)

Gavrila v. Romania (no. 44044/09)

Marginean v. Romania (no. 59527/10)

Meche v. Romania (no. 59030/13)

Niculescu v. Romania (no. 48915/10)

Nita v. Romania (no. 7884/07)

Romanovschi v. Romania (no. 1023/07)

S.C. Suintest Felnac S.R.L. v. Romania (no. 65483/10)

Arsic and Others v. Serbia (nos. 54054/08, 54056/08, 56782/09, and 17445/11)

Jorgic and Others v. Serbia (nos. 45608/08, 45650/08, 45713/08, 45714/08, 45716/08, 46856/08, 57020/08, 13286/09, and 13380/09)

Zdravkovic and Others v. Serbia (nos. 10143/10, 71088/12, and 63603/13)

Avci v. Turkey (no. 17001/10)

Ersoz v. Turkey (no. 45746/11)

Ike v. Turkey (no. 10108/10)

Komurcu v. Turkey (no. 2769/11)

Koseoglu v. Turkey (no. 29628/09)

Poyraz v. Turkey (no. 21235/11)

Seren v. Turkey (no. 41730/10)

Sevindik v. Turkey (no. 27011/08)

Timur v. Turkey (no. 31921/09)

Tomas v. Turkey (no. 57507/14)
Y v. Turkey (no. 648/10)
Yesilbas v. Turkey (no. 51205/13)

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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.