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

Press Release
issued by the Registrar of the Court

ECHR 1 (2014)
12.01.2015

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 24 judgments on Tuesday 13 January 2015 and 139 judgments and / or decisions on Thursday 15 January 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 13 January 2015

Just Satisfaction

Hadzhigeorgievi v. Bulgaria (application no. 41064/05)

The applicants, Yanko Hadzhigeorgiev and Dimitar Hadzhigeorgiev, are Bulgarian nationals who were born in 1951 and 1959 and live in Sofia and Yakoruda (Bulgaria) respectively. They are brothers.

The case concerned their complaint about the Bulgarian authorities' refusal to comply with a final court judgment of July 2000 restoring to them a plot of forestry land in the area of Yakoruda which had been expropriated from their ancestors.

In its principal judgment of 16 July 2013 the Court found that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights.

The Court held that the question of just satisfaction, insofar as it concerned the claims for pecuniary and non-pecuniary damage, was not ready for decision, and reserved it for examination at a later date. The Court will deal with this question in its judgment of 13 January 2015.

Just Satisfaction

Saghinadze v. Georgia (no. 18768/05)

The applicants are six Georgian nationals: Batalbi Saghinadze and his wife, Lia Saghinadze; their son, Vasil Saghinadze, his wife, Nana Bliadze; and their daughters Ketevan and Nino Saghinadze.

The case principally concerned the applicants' complaint about the family's eviction in November 2004 from the cottage in Tibilisi in which they had been re-settled following their flight from Abkhazia during the 1992-93 armed conflict. Batalbi Saghinadze, offered a post in 1994 in Georgia as a high-ranking law-enforcement officer, alleged that the eviction was in retribution for the way in which he had led a high-profile criminal case concerning the abduction of the brother of a famous Georgian footballer (the so-called "Kaladze" case). Criminal proceedings were subsequently brought against Batalbi Saghinadze for abuse of power during that investigation (extortion of false statements and fabricating evidence); he was arrested in June 2006 and ultimately found guilty as charged and sentenced to seven years in prison.

In its principal judgment of 27 May 2010 the Court found that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights.

The Court held that the question of just satisfaction, insofar as it concerned the claims for pecuniary damage, was not ready for decision, and reserved it for examination at a later date.The Court will deal with this question in its judgment of 13 January 2015.

Vékony v. Hungary (no. 65681/13)

The applicant, László Vékony, is a Hungarian national who was born in 1950 and lives in Sopron (Hungary).

The case concerns the loss of a family business' tobacco retail license.

Following the entry into force of new legislation on 1 July 2013, aiming to limit the access of minors to tobacco products, tobacco retail became State-owned in Hungary and retailers had to apply for a concession through a tender. Mr Vékony, whose family had owned a tobacco license since 2005, was informed in April 2013 that his application for a concession under the new legislation had been refused, without any indication of his score on the 120-point tender adjudication score-sheet. The decision was not subject to any legal remedy. After losing the license, Mr Vékony's family enterprise was no longer profitable, and the business was eventually wound up. In January 2014 the Constitutional Court dismissed a number of complaints relating to the same matter, noting that the new legislation aimed at eliminating underage smoking.

Relying on Article 1 of Protocol No. 1 (protection of property) in conjunction with Article 14 (prohibition of discrimination), Mr Vékony alleges that the removal of the family business' license, without compensation, was discriminatory.

Elberte v. Latvia (no. 61243/08)

The applicant, Dzintra Elberte, is a Latvian national who was born in 1969 and lives in Sigulda (Latvia).

The case concerns the removal of her husband's body tissue by forensic experts after his death without her knowledge or consent.

On 19 May 2001, Ms Elberte's husband was killed in a car accident. On the following day, his body was transported to the Forensic Centre, where an autopsy was carried out. Subsequently, under a State-approved agreement, some of his body tissue was removed and later sent to a company in Germany to be modified into bio implants. Ms Elberte learned about the tissue removal only some two years later, when the Security Police opened a criminal inquiry into the illegal removal of organs and tissue between 1994 and 2003 in Latvia and contacted her – no prosecutions were brought.

Relying on Article 8 (right to respect for private and family life), Ms Elberte complains that the removal of her husband's tissue was carried out without her prior consent and that her husband's physical integrity was breached as a result. Further relying on Article 3 (prohibition of inhuman or degrading treatment), Ms Elberte complains that her husband's body was returned to her after the completion of the autopsy with his legs tied together. Lastly, relying on Article 13 (right to an effective remedy), she alleges that there were several possible interpretations of domestic law on the right for closest relatives to express consent or refusal in relation to tissue removal.

Petropavlovskis v. Latvia (no. 44230/06)

The applicant, Jurijs Petropavlovskis, is a "permanently resident non-citizen" of the Republic of Latvia who was born in 1955 and lives in Riga.

The case concerns Mr Petropavlovskis' allegations that he was refused Latvian citizenship through naturalisation as punishment for his views on education reform in Latvia.

In 2003 and 2004, Mr Petropavlovskis was one of the main leaders of a movement involved in promoting protests against the education reform in Latvia. Mr Petropavlovskis participated in meetings and demonstrations, which were covered in the media. On 5 February 2004 the amendments to the Education Law were finally adopted. The new text provided that from 1 September 2004 all secondary State and municipal schools implementing national minority curricula had to ensure that not less than 60% of the classes taught as of tenth grade were in Latvian.

In November 2003, Mr Petropavlovskis applied for Latvian citizenship to the Naturalisation board. His application was refused in November 2004 by the Cabinet of Ministers. He instituted administrative proceedings to contest this decision and his case was examined in three court instances before eventually being refused because the decision of the Cabinet of Ministers was a political decision and thus it was not amenable to judicial review.

Relying on Articles 10 (freedom of expression) and 11 (freedom of assembly), Mr Petropavlovskis alleges that he was denied Latvian citizenship because he had criticised the Government's position on education. Further relying on Article 13 (right to an effective remedy), he complains that he did not have any effective domestic remedy in respect of his allegedly infringed rights as the Senate of the Supreme Court had ruled that the decision of the Cabinet of Ministers was a political decision. He also considers that an application for supervisory review by a public prosecutor is not an effective remedy.

Rubins v. Latvia (no. 79040/12)

The applicant, Andris Rubins, is a Latvian national who was born in 1947 and lives in Riga.

The case concerns Mr Rubins' complaint that he was dismissed from his post as Head of Department at the Riga Stradina University for criticising the University management.

In February 2010 the Council of the Faculty of Medicine decided to merge two departments of the Faculty. As a consequence, the Head of Department position occupied by Mr Rubins was abolished. He sent various emails to the Rector of the University to complain about this decision. In his email of 20 March 2010, he criticised the management of State funds by the University and raised an issue about cases of plagiarism. On 6 May 2010, Mr Rubins received a notice of termination of employment from the University. His appeal was dismissed by the Riga Regional Court who considered in particular that Mr Rubins, in his email, had invited the Rector to carry out "unlawful actions", namely to annul a decision of the Senate of the University and that he had acted in breach of "good morals". Mr Rubins' appeal on points of law was rejected on 26 September 2012.

Relying on Article 10 (freedom of expression), Mr Rubins complains that he was dismissed for expressing a legitimate opinion about problems prevailing in the University and for attempting to resolve his employment situation.

Manic v. Lithuania (no. 46600/11)

The applicant, Eugeniu Manic, is a Moldovan and Romanian national who was born in 1971 and lives in London.

The case concerns Mr Manic's complaint about his contact rights with his seven-year old son.

Mr Manic lived with his wife and son – both Lithuanian citizens – in London until 2008 when the mother took the boy to live with her permanently in Lithuania. In 2009 the Vilnius Regional Court decided that, taking into account the best interests of the child, he should remain with his mother in Lithuania. Mr Manic then started new court proceedings in the High Court of Justice in England and Wales who confirmed the decision of the Vilnius Regional Court in 2010.

The mother subsequently refused to comply with the High Court of Justice judgment setting out the child contact arrangements. She started fresh court proceedings in Lithuania, with a view to further limiting Mr Manic's contact rights. On 1 March 2011, a Lithuanian court adopted a provisional measure, ordering that the child should not leave Lithuanian territory. In the meantime, the father could go to Lithuania and see his son there in the presence of child care authorities. By a decision of

27 April 2011 the Lithuanian court also dismissed the action against the mother, which a Lithuanian bailiff had lodged for failure to execute the High Court of Justice decision.

Relying in particular on Article 8 (right to respect for private and family life), Mr Manic complains about the passivity of the public authorities in enforcing the High Court of Justice decision defining his right of contact with his child.

Rimschi v. the Republic of Moldova (no. 1649/12)

The applicant, Valentin Rimschi, is a Moldovan national who was born in 1952 and lives in Chişinău. The case concerns his pre-trial detention.

Mr Rimschi was placed in custody on charges of producing and putting into circulation counterfeit money in July 2009. Until his conviction of those charges in January 2012 – being sentenced to 12 years' imprisonment – he remained in pre-trial detention, the warrants being extended on many occasions on the grounds that he had been charged with a serious offence and that he might abscond or interfere with the investigation if released.

Relying on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) and Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), Mr Rimschi complains of the length of his pre-trial detention and maintains that there were no relevant and sufficient reasons for it.

Silvestru v. the Republic of Moldova (no. 28173/10)

The applicant, Sergiu Silvestru, is a Moldovan national who was born in 1985 and lives in Chişinău.

The case concerns Mr Silvestru's complaint about the conditions of his detention in a Chisinau prison, where he was placed in pre-trial detention in April 2008 and where he remained until September 2010, in the meantime being convicted of aggravated rape and sentenced to 12 years' imprisonment in December 2009. He maintains in particular that the cells were overcrowded and dirty, that the food was of poor quality and that he was not provided with appropriate medical care. He relies on Article 3 (prohibition of inhuman or degrading treatment).

Marian Maciejewski v. Poland (no. 34447/05)

The applicant, Marian Maciejewski, is a Polish national who was born in 1955 and lives in Wrocław (Poland). He is a journalist who worked for the newspaper *Gazeta Wyborcza*. The case concerns his conviction of defamation for statements and allegations in an article he published in the newspaper in November 2000.

The article was part of a series on the alleged theft of valuable hunting trophies from the office of a former bailiff of a Wrocław district court. It carried a subtitle in small print "Thieves in the administration of justice". Among other things, the article described how a prosecutor had conducted the investigation against the former bailiff. In criminal proceedings, Mr Maciejewski was convicted of two counts of defamation committed through the mass media. The Brzeg District Court which convicted him in April 2004 found that the subtitle of the article was defamatory of the court officials in question and that the article alleged that the prosecutor had misconducted the investigation against the former bailiff. Mr Maciejewski was ordered to pay a fine of the equivalent of 450 euros.

Mr Maciejewski complains that his conviction was in breach of Article 10 (freedom of expression).

Łozowska v. Poland (no. 62716/09)

The applicant, Marzanna Łozowska, is a Polish national who was born in 1964 and lives in Kleodin.

The case concerns Ms Łozowska's right to freedom of expression; at the relevant time she was a journalist on the regional daily newspaper *Kurier Poranny* and was convicted of malicious defamation on account of remarks published in that newspaper.

Between 1999 and 2001 Ms Łozowska published a series of articles on judicial news in her region, in which she speculated on the possible overlap between presumed members of a mafia-like network and persons working for the local justice system. On 14 September 2007 she published an article, and on 23 October 2007 B.L., a former judge, lodged a complaint against Ms Łozowska for malicious defamation. In the contested article, the journalist expressed the view that judge B.L. had been sanctioned and removed from her functions by the judiciary's disciplinary authorities on account of "her shady links with criminal circles, … [and] of the role she had played in cases in which her spouse had been implicated".

By a judgment of 8 December 2008, the district court convicted Ms Łozowska of malicious defamation and ordered her to pay several fines. The court noted a clear discrepancy between the real motive for judge B.L.'s dismissal from the judiciary and that put forward by the journalist in her article. Ms Łozowska lodged an appeal. The president of the regional court assigned the appeal to a single-judge bench of that court, then, together with 52 of the 53 other judges in the court, he withdrew from the case, on the grounds of the ties between them and judge B.L., a former member of their court. He also asked that the case be transferred to another judicial district. The court of appeal accepted the withdrawal of all the judges but one, and, for that reason, refused to grant the request to transfer the case to another judicial district. Sitting as a single judge, the court dismissed Ms Łozowska's appeal. She was unable to appeal on points of law.

Relying on Article 10 (freedom of expression), Ms Łozowska complains that her conviction was in breach of her right as guaranteed by that Article. Relying on Article 6 (right to a fair trial), she complains that her appeal against the district court's judgment was not examined by an impartial court.

Just Satisfaction

Rolim Comercial, S.A. v. Portugal (no. 16153/09)

The applicant is a public company incorporated under Portuguese law whose registered office is in Cascais (Portugal). The case concerned the company's complaint about expropriation of its land.

The company purchased 11,780 sq.m of land in Oeiras in October 1976. In May 1991 the Oeiras District Council had a viaduct, an approach road and a pedestrian crossing built on part of the land. The applicant company alleged that between 1994 and 1998 they had taken steps to reach a friendly settlement with the District Council, but had been unsuccessful because the latter had insisted that it had owned the land. In February 2003 the applicant company sued the Oeiras District Council. The court allowed the company's claim in part. The District Council lodged an appeal and subsequently appealed on points of law to the Supreme Court, which held that there had been *de facto* expropriation and that the part of the applicant company's land in question was now State public property.

In its principal judgment of 16 April 2013, the Court held that by expropriating the land without a formal document attesting to the transfer of ownership and without compensation, the domestic authorities had breached the principle of the rule of law and given rise to a violation of Article 1 of Protocol No. 1 (protection of property).

The Court found that the question of just satisfaction was not ready for decision and reserved it for decision at a later stage. The Court will rule on this question in its judgment of 13 January 2015.

Iustin Robertino Micu v. Romania (no. 41040/11)

The applicant, Iustin Robertino Micu, is a Romanian national who was born in 1969 and lives in Bucharest. He is a border guard police officer.

The case concerns Mr Micu's detention in police custody, ordered by the National Anticorruption Department (N.A.D.), on suspicion of bribe-taking, from 9 to 10 March 2010. While the N.A.D. ordered his custody for 24 hours, Mr Micu maintains that he remained there for 37 hours. After being questioned by the prosecutor, he was released. Having been convicted in March 2011, he was eventually acquitted on appeal in February 2013. In 2010 and 2011, Mr Micu brought several sets of criminal proceedings against the prosecutors investigating his case, alleging in particular that they had committed abuse of office by unlawfully arresting him and unlawfully monitoring his electronic correspondence. All his complaints were eventually dismissed.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Micu complains that, although suffering from diabetes, he was not provided with food during the time spent in police custody and that there was a delay in providing him with the insulin treatment he needed. Relying on Article 5 § 1 (b) and (c) (right to liberty and security), he complains that he was unlawfully deprived of his liberty. Finally, he maintains that he did not have any legal remedy at national level in respect of his complaints, in breach of Article 13 (right to an effective remedy).

Jovičić and Others v. Serbia (nos. 37270/11, 37278/11, 47705/11, 47712/11, 47725/11, 56203/11, 56238/11, and 75689/11)

The applicants are eight Serbian nationals who were born between 1954 and 1971, and live in Požega (Serbia). They were all employees of the same company based in Užice. In separate proceedings seeking payment of salary arrears and social security contributions, they obtained final court decisions ordering the company to pay them certain sums. Following the opening of insolvency proceedings in respect of the company in July 2010, they reported their respective claims to the Commercial Court, which partially accepted their claims in June 2011. The insolvency proceedings are still ongoing.

Relying on Article 6 § 1 (right to a fair trial), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy), the applicants complain of the State's failure to enforce the final court decisions in their favour and of the lack of an effective legal remedy in that respect.

Hoholm v. Slovakia (no. 35632/13)

The applicant, Tommy Hoholm, is a Norwegian national who was born in 1975 and lives in Asvag (Norway). The case concerns proceedings he lodged in Slovakia for the return of his two children to Norway.

Mr Hoholm was married to a Slovak woman who, after their separation in August 2004 by an administrative decision of the Norwegian authorities, took their two small children from Norway, where the family had been living, to Slovakia in July 2005. This was despite a Norwegian court's interim order that the children should not leave Norway without the consent of each parent.

In December 2005 Mr Hoholm brought proceedings in Slovakia against his former wife under the Hague Convention on the Civil Aspects of International Child Abduction, seeking an order for the return of the children to Norway. After the action had initially been dismissed with the force of a final and binding decision, following Mr Hoholm's complaint, that decision was quashed by the Constitutional Court and the case was remitted to the appeal court, which in turn remitted the case to the first instance. Subsequently, an order for the return of the children was given twice at two levels of jurisdiction and became final and binding, but in both instances it was quashed, in the former following an appeal on points of law by Mr Hoholm's former wife and in the latter following an extraordinary appeal on points of law by the Prosecutor General on her behalf.

Eventually, Mr Hoholm's request was dismissed at two instances by a decision which became final in December 2012, the courts concluding that it was in the best interest of the children, who had spent more than half of their lives in Slovakia, not to be returned to Norway.

Mr Hoholm's subsequent constitutional complaint aimed, among other things, at the length of the proceedings, but it was declared inadmissible.

Relying on Article 6 § 1 (right to a trial within a reasonable time) and, in substance, on Article 13 (right to an effective remedy), Mr Hoholm complains of the length of the proceedings in his case, in respect of which he alleges not having had an effective legal remedy. Further relying on Article 6 § 1 and Article 8 (right to respect for family life), he complains that his case was determined by the mere passage of time, that he did not have any access to his children whatsoever, that Slovakia failed to secure his right to respect for his family life, and that the outcome of the proceedings was arbitrary.

Trančíková v. Slovakia (no. 17127/12)

The applicant, Mira Trančíková, is a Slovak national who was born in 1939 and lives in Bratislava. The case concerns her complaint about the proceedings she brought with regard to a dispute over a lorry.

Ms Trančíková brought an action in July 2007 concerning a lorry which she alleged had been unlawfully seized from her and requesting a court order to have the vehicle returned to her. In October 2009 a first-instance court dismissed her action, finding that she had failed to show that she had lawfully acquired title to the lorry, while the defendant of her action had lawfully purchased it from the receiver appointed in the insolvency of the vehicle's previous owner. The court of appeal then dismissed Ms Trančíková's appeal. She subsequently lodged an appeal on points of law, complaining that the ruling on her appeal had been made without holding a public hearing or communicating to her the defendant's observations in reply to her appeal, and that the court of appeal had failed to summon her to a public pronouncement of its judgment and, in fact, to pronounce that judgment publicly at all. The Supreme Court then declared her appeal inadmissible in April 2011 and this was endorsed by the Constitutional Court in July 2011.

Relying on Article 6 § 1 (right to a fair trial), she complains that the appeal proceedings concerning the lorry were unfair, in particular because the defendant's observations in response to her appeal were not communicated to her, that her appeal was not heard publicly and that the appeal court's judgment was not pronounced publicly.

Revision

Benzer and Others v. Turkey (no. 23502/06)

The applicants in this case are 41 Turkish nationals born between 1907 and 1984.

The case concerns a request for revision of a judgment by the European Court of Human Rights in which the applicants alleged that the Turkish military had bombed their two villages by aircraft, killing 34 of their close relatives. The applicants claimed that, during the Turkish Government's attempts to combat the PKK in 1994, the residents of the villages of Kuşkonar and Koçağili had refused to become village guards, and that the military believed that they gave assistance to the PKK. They alleged that on 26 March 1994 a range of Turkish military aircraft had fired on and bombed their villages, killing a large number of the inhabitants, injuring many others and destroying most of the property and livestock. The Turkish government maintained that the PKK had attacked the villages because the inhabitants had refused to help the organisation, and that there was no evidence of the State's involvement in the incident.

In its judgment of 12 November 2013 in the case the Court held that there had been a violation of Article 2 (right to life) of the European Convention on account of the deaths of 33 of the applicants' close relatives and the injuries caused to three of the applicants themselves; a further violation of

Article 2 because of the extremely inadequate investigation into the incident; a violation of Article 3 (prohibition of inhuman or degrading treatment) on account of the terror caused by the bombing, and the Turkish government's failure to provide even the minimum of humanitarian aid to deal with the aftermath of the attack; and, a failure to comply with Article 38 (obligation to provide all necessary facilities for the examination of the case) because the Government had withheld vital evidence, namely the flight log of the planes which had carried out the bombing. The Court also awarded the applicants various sums in respect of non-pecuniary damage.

On 20 May 2014 the applicants' legal representative informed the Court that they had learned that two of the applicants had died in 2009 and 2012, respectively, and that their heirs wished to continue the application. He accordingly requested revision of the judgment within the meaning of Rule 80 of the Rules of Court in so far as the award of pecuniary and non-pecuniary damage was concerned.

The Court will examine the Government's request in its judgment of 13 January 2015.

Uğur v. Turkey (no. 37308/05)

The applicants, Ferdi and Atilla Uğur, Turkish nationals, are brothers who were born in 1985 and 1987 respectively and live in Istanbul. The case concerns their alleged ill-treatment in police custody.

According to their submissions, the applicants – minors at the time – took a neighbour who had been shot in the street to hospital in the early morning of 23 November 2002, where he died on arrival. They were subsequently taken to a police station, where they were to be questioned as witnesses. They maintain that they were then kept there for more than two days and, questioned in the absence of a lawyer, were ill-treated by the police in order to force them to make incriminatory statements about their implication in the incident. In particular, they submit that they were stripped naked, doused with cold water, kicked, punched and beaten with truncheons.

A criminal investigation subsequently opened against Atilla Uğur on the basis of statements he made at the police station was later discontinued. A criminal investigation against the police officers involved in the alleged ill-treatment, following a complaint by the applicants' lawyer, was eventually also discontinued.

According to the Turkish Government's submissions, the applicants were taken to the police station for questioning as witnesses. The Government also had doubts as to the applicants' credibility, given their contradictory version of events during the criminal proceedings against the police officers.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), the applicants complain that they were subjected to ill-treatment which amounted to torture. Furthermore, under Article 5 §§ 1 (c), 2, 3 and 4 (right to liberty and security / right to be informed of the reasons for arrest / entitlement to trial within a reasonable time or to release pending trial / right to have lawfulness of detention decided speedily by a court), they complain that, although initially taken to the police station as witnesses, they were then treated as suspects and kept there unlawfully for more than two days.

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.

Brajer v. Poland (no. 7589/12)
Kurowski v. Poland (no. 9635/12)
Pawlak v. Poland (no. 28237/10)
Masłowski v. Poland (no. 7626/12)

Tomczyk v. Poland (no. 7708/12)
EVT Company v. Serbia (no. 8024/08)

Thursday 15 January 2015

M.A. v. Austria (no. 4097/13)

The applicant, Mr M.A., is an Italian national who was born in 1968 and lives in Vittorio Veneto (Italy). The case concerns his complaint about the Austrian courts' failure to enforce two judgments by Italian courts ordering the return of his daughter to Italy.

Mr M.A. had a relationship with an Austrian woman, D.P., with whom he lived in Italy until she left for Austria in January 2008 with their young daughter, who was born in December 2006. After having granted preliminary joint custody to the parents in May 2008, the Venice Youth Court ordered the child's return to Italy in July 2009. The child was either to reside there with her mother in accommodation to be provided by the local social services or – should the mother not wish to return to Italy – to take up residence with Mr M.A. The Austrian courts eventually granted Mr M.A.'s request for the enforcement of the order in a decision upheld by the Supreme Court in July 2010, but subsequently asked him to provide evidence that appropriate accommodation would be made available to his daughter and her mother by the social services in Italy. The decision remained unenforced, as the Austrian authorities found that Mr M.A. had not provided the required proof of appropriate accommodation.

In November 2011 the Venice Youth Court withdrew D.P.'s custody rights and awarded Mr M.A. sole custody of the child. It ordered the child's return to Italy to reside with him, while the local social services were to ensure that contact between the child and her mother was maintained and to give the child linguistic and educational support to facilitate her integration into the new environment. D.P. did not comply with the order. Her applications before the European Court of Human Rights and the Austrian courts, seeking a stay of the return order, were unsuccessful, but proceedings before the Venice Youth Court brought by her in August 2013 concerning requests to stay the return order and to award sole custody to her are still pending.

Relying on Article 8 (right to respect for private and family life), Mr M.A. complains that the Austrian courts have failed to enforce the orders for his daughter's return to Italy.

Igbal Hasanov v. Azerbaijan (no. 46505/08)

The applicant, Igbal Bahman oglu Hasanov, is an Azerbaijani national who was born in 1974 and is currently serving a nine-year prison sentence for drug dealing. Prior to his arrest he lived in Jalilabad (Azerbaijan). The case concerns his allegation of ill-treatment in police custody.

Mr Igbal Hasanov was convicted in November 2008 for illegal sale of large quantities of heroin, committed by an organised group. His conviction was later upheld on appeal and by the Supreme Court. His complaint concerns his allegation that he was ill-treated following his arrest on 9 June 2008 on those charges. He alleges that during the night of 10 to 11 June he was beaten on the soles of his feet for an hour (*falaka*) and threatened with electric shocks in order to make him confess. He complained about this ill-treatment when first questioned by the investigator on 11 June, then again on 29 July; he also complained to the prosecuting authorities. No criminal inquiry was, however, launched. He also lodged separate proceedings before the domestic courts, which were ultimately dismissed in July 2008 as unsubstantiated.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Igbal Hasanov alleges that he was ill-treated while in police custody and that the authorities failed to investigate his allegations.

Dragojević v. Croatia (no. 68955/11)

The applicant, Ante Dragojević, is a Croatian national who was born in 1982 and lives in Vela Luka (Croatia). The case principally concerns the secret surveillance of his telephone conversations in connection with drug-related offences.

Mr Dragojević, a sailor on an ocean carrier for a shipping company (based in Croatia), was suspected of being involved in drug trafficking between Latin America and Europe via ocean carriers. In December 2009 he was found guilty of drug trafficking and money laundering and sentenced to nine years' imprisonment. The judgment was based, among other things, on witness statements, evidence obtained through numerous searches and seizures and the use of secret surveillance measures, including tapping Mr Dragojević's telephone. This judgment was upheld on appeal by the Supreme Court in September 2010. His constitutional complaint was dismissed in May 2011.

Relying on Article 8 (right to respect for private and family life, the home and the correspondence), Mr Dragojević complains about the secret surveillance of his telephone conversations, alleging in particular that the investigating judge had failed to comply with the procedure required by domestic law to effectively assess whether the use of secret surveillance was necessary and justified in his particular case. Also relying on Article 6 § 1 (right to a fair trial), he complains about the unfairness of the proceedings against him: first, alleging a lack of impartiality of the trial bench which convicted him because one of the judges sitting on the bench had also been involved in the decisions to extend his pre-trial detention; and, second, because his conviction had been based on evidence obtained by unlawful secret surveillance measures.

Rummi v. Estonia (no. 63362/09)

The applicant, Karol Rummi, is an Estonian national who was born in 1962 and lives in Harju County (Estonia). The case concerns the confiscation of her late husband's property in the course of criminal proceedings.

Ms Rummi's husband, R., an expert in geology, was asked by the Estonian investigating authorities to give an opinion as regards the content of precious metals in 105 kilograms of waste which two men, M. and J., had attempted to smuggle into the country. After R. had given two different opinions – the second one stating that the precious metals had a lower value than according to his initial assessment, which would have made the attempt to smuggle them a misdemeanour rather than a crime – he was arrested in March 2001. His home and workplace were searched and a large amount of various substances containing precious metals, as well as pure gold, silver and a number of diamonds were seized. R. subsequently committed suicide in detention. After the criminal proceedings against M. and J. had been discontinued in March 2009, the courts ordered the confiscation of the property which had been seized. Ms Rummi – who, together with her two sons, was her late husband's heir – appealed against that decision. Her appeal was eventually dismissed in May 2009, the courts noting in particular that she had not been a party to the proceedings in question.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Ms Rummi complains that her right to access to court was violated. She also complains of a violation of her rights under Article 1 of Protocol No. 1 (protection of property), and Article 13 (right to an effective remedy).

Veits v. Estonia (no. 12951/11)

The applicant, Anneli Veits, is an Estonian national who was born in 1990 and lives in Tallinn. The case concerns her complaint about the confiscation of her property by the Estonian courts in criminal proceedings against her mother and grandmother.

Ms Veits' grandmother, N., and mother, V., were convicted of a number of offences, including murder and attempted murder, respectively, in January 2010. They were sentenced to 15 and eight years' imprisonment, respectively. The sentencing court found in particular that they had obtained an apartment in Tallinn by fraud from a person suffering from a mental illness, whom N. had subsequently killed. At the same time the court ordered the confiscation of the apartment, which had been registered in the name of Ms Veits in 2003, a minor at the time. N.'s and V.'s conviction and the confiscation were upheld on appeal and the judgments became final in August 2010.

Relying on Article 6 § 1 (right to a fair trial), Ms Veits complains that she was not invited to take part in the court proceedings concerning her rights and obligations. She further complains that she was deprived of her apartment, in breach of Article 1 of Protocol No. 1 (protection of property). Finally she complains of not having an effective legal remedy at national level, in breach of Article 13 (right to an effective remedy).

A.A. v. France (no. 18039/11)
A.F. v. France (no. 80086/13)

These two cases concern proceedings to deport the two applicants to Sudan.

Applicant A.A. is a Sudanese national who was born in 1979 and lives in Calais (France). Originally from Muhajiriya in the South Darfur region, he is a member of the "Birqid" tribe, a non-Arab tribe from Darfur. He states that one of his brothers joined the Justice and Equality Movement (JEM), and that he himself shares that Movement's ideas but has always refused to become involved in their armed activities. He left Sudan, travelling through Egypt, Turkey, Greece and Italy before arriving in France in October 2010. He was arrested by the French authorities in Calais on 28 October 2010. He was issued with a removal order and placed in administrative detention, then released. He was arrested on dozens of occasions and placed in police custody. While in administrative detention he refrained from applying to the French Office for the Protection of Refugees and Stateless Persons (OFPRA). On 21 March 2011 he applied to the Court for an interim measure, which was granted for the duration of the proceedings before the Court. On 6 June 2011 he lodged an application for asylum, which was dismissed by the OFPRA on the ground that his account was unreliable. An appeal lodged by the applicant with the National Asylum Tribunal (CNDA) was dismissed as being out of time.

Applicant A.F. is a Sudanese national who was born in 1986 and lives in Mulhouse (France). Originally from South Dafur and of Tunjur ethnicity, A.F. entered the University of Gezira in Khartoum at the height of the armed conflict in Sudan. He took part in discussion groups on Darfur and on the violence perpetrated by the regime with the help of Janjaweed militias. On several occasions he was arrested, detained and beaten by members of the Sudanese security services. He left Sudan on 10 March 2010. On arriving in France he applied for asylum, but his application was rejected by the OFPRA on 21 June 2011. He lodged an appeal with the CNDA, in support of which he submitted, among other evidence, a letter from the Movement for Justice and Equality (JEM), a rebel movement then in power, confirming that he had been subjected to repeated persecution and arrests by the Government forces. The CNDA confirmed the OFPRA's decision to reject his application. On 31 July 2013 A.F. was issued with an order to leave French territory, which he challenged unsuccessfully before the Strasbourg Administrative Court. Having attempted to lodge a second asylum claim under a false identity, A.F. was arrested and placed in administrative detention. On 19 December 2013 A.F. he applied to the Court for an interim measure on the basis of Rule 39 of the Rules of Court. An interim measure was granted for the duration of the proceedings before the Court.

Relying in particular on Article 3 (prohibition of torture and inhuman or degrading treatment), both applicants allege that deportation to Sudan would expose them to inhuman or degrading treatment.

Arnaud and Others v. France (nos. 36918/11, 36963/11, 36967/11, 36969/11, 36970/11, and 36971/11)

The applicants are eight French nationals, Paule Arnaud, Alan Grant, Simone Lavail and Robert Lavail, Moniaue Le Lan and Pierre Le Lan, Geneviève Matignon and Rose Mettey, who were born in 1928, 1947, 1935, 1928, 1937, 1933, 1942 and 1920 respectively. They live in Monaco.

The case concerns a retroactive imposition of the wealth tax (ISF) on French nationals living in Monaco.

In the course of 2001 France and Monaco negotiated a change to the Franco-Monegasque Tax Convention, to which they signed a Protocol. Under the latter text, French nationals who had been domiciled or resident in Monaco from 1 January 1989 were to be subject to the ISF from 1 January 2002. This measure was publicly announced on 24 October 2001, with an indication that it would take effect from 1 January 2002. The taxpayers concerned were informed by letter on 5 May 2002 about the forthcoming change to the law and the envisaged retroactive effect. They were informed that it would be preferable to anticipate the entry into force of this law by submitting tax declarations and paying their tax from 2002. The tax authorities specified in April 2005 that no penalties would be applied for the period prior to ratification of the Protocol, which was published in the Official Gazette on 23 August 2005.

The applicants, who had filed ISF tax returns for the 2005 tax year (two of the eight applicants) and for the tax years 2002 to 2005 (the others), and had then voluntarily paid the relevant tax, applied to the tax authorities for restitution of the sums thus paid. Their claims were dismissed by the tax authorities, and the courts dismissed the applicants' appeals. The court of appeal, upholding the first-instance judgments, found that, given that no criminal offence had been created or tax penalties applied for the period 2002-2005, the retroactive nature of the measure did not amount to exorbitant interference with the right of property, since it was not confiscatory in nature. The Court of Cassation dismissed an appeal on points of law by the applicants.

Relying on Article 1 of Protocol No. 1 (protection of property), taken alone and together with Article 14 (prohibition of discrimination), the applicants allege that the fact of being required to pay the wealth tax with retroactive effect infringed their right to the peaceful enjoyment of their possessions and amounted to unlawful discrimination, in breach of those Articles.

Cleve v. Germany (no. 48144/09)

The applicant, Ludger Cleve, is a German national who was born in 1963 and lives in Xanten (Germany). The case concerns his complaint that his right to be presumed innocent was breached by the wording of a judgment acquitting him of charges of sexual abuse.

In January 2008, Mr Cleve was charged with several counts of sexual abuse of his daughter, born in 1994, committed between 2002 and 2004. In September 2008, the Münster Regional Court acquitted him of the charges for insufficient evidence. It stated in particular that the actions described by the witness – his daughter – had "a factual basis" namely that he had "actually carried out sexual assaults on his daughter". However, it found that there were marked inconsistencies in her testimony, making it impossible to secure a conviction. Mr Cleve's complaint with the Federal Constitutional Court, alleging in particular that his right to a fair trial had been breached by the regional court's statements, was not accepted for adjudication.

Relying on Article 6 §§ 1 and 2 (right to a fair trial – presumption of innocence), Mr Cleve complains that the regional court's statements in its judgment acquitting him amounted to a finding of guilt.

Kieser and Tralau-Kleinert v. Germany (no. 18748/10)

The applicants, Albrecht Kieser and Peter Tralau-Kleinert, are German nationals, who were born in 1949 and 1937 respectively and live in Cologne (Germany). They work as journalists for the online magazine *Neue Rheinische Zeitung*. The case concerns their complaint about being ordered to refrain from publishing statements alleging that a well-known publisher's family had unduly benefited from "aryanisation" of Jewish property during the Nazi era.

In an article published in February 2006, the applicants alleged in particular that the publisher's family Neven DuMont had benefited from the expropriation of Jewish property in three real-estate purchases in Cologne in 1938 and 1941. In proceedings brought by the chairman of the supervisory board of the publishing company – the son of the couple who had made the purchases in question – the Cologne Regional Court, in September 2007, prohibited any further publication of the relevant statements. It found in particular that the allegations amounted to a serious interference with the plaintiff's personality rights. The allegations had been presented as statements of fact, the veracity of which had not been proven by the applicants. The judgment was upheld on appeal, and the Federal Constitutional Court declined to consider the applicants' constitutional complaint in September 2009.

Relying on Article 10 (freedom of expression), the applicants complain that the German courts' decisions violated their freedom of expression.

Kuppinger v. Germany (no. 62198/11)

The applicant, Bernd Kuppinger, is a German national who was born in 1953 and lives in Heidelberg. He is the father of a son born out of wedlock in 2003. The case concerns Mr Kuppinger's complaint about the length and ineffectiveness of proceedings he had brought to enforce court decisions granting him contact rights with his son.

After the mother of his son had refused him any contact with the child since shortly after he was born, Mr Kuppinger obtained an interim decision of the Frankfurt/Main district court in 2007, ordering weekly meetings between him and the child. The contact rights being suspended in 2009, he obtained another interim decision in May 2010, granting him the right to see his son for a few hours on several specific days. Following his request, the district court imposed an administrative fine of 300 euros on the mother in November 2010 for having prevented him from meeting with his son on six occasions. A decision by the district court in the main proceedings, of September 2010, granting Mr Kuppinger the right to see his son every other week, initially under supervision, was not implemented due to disagreements between Mr Kuppinger and the custodian appointed by the court. For several months the court's efforts to appoint a new custodian were unsuccessful. In fresh proceedings to review the regulation on the contact rights, instituted by the district court in February 2011, Mr Kuppinger's contact rights were suspended until October 2015 – in a decision eventually upheld in September 2014 – on the ground that contact would be against the child's welfare.

Relying on Article 8 (right to respect for private and family life), Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy) in conjunction with Article 8, Mr Kuppinger complains in particular that the proceedings on his requests to enforce the contact orders were excessively long; that the administrative fine imposed was too lenient to have any coercive effect on the mother; and that he did not have an effective remedy in respect of the excessive length of the proceedings.

Korkolis v. Greece (no. 63300/09)

The applicant, Konstantinos Korkolis, is a Greek national who was born in 1954 and lives in Athens.

The case concerns Mr Korkolis's right of access to a court and the length of criminal proceedings.

On 16 August 2004 Mr Korkolis lodged a criminal complaint and application to join the proceedings as a civil party against M.K. and I.K. for attempted blackmail and incitement to attempted blackmail respectively, in respect of events which allegedly occurred on 12 November 2001 and 12 May 2004.

On 12 March 2007 the indictment division of the criminal court decided not to bring criminal proceedings against I.K. and to commit M.K. for trial before the Athens Assize Court. M.K. lodged an appeal, then, his appeal having been dismissed, he appealed on points of law. The Court of Cassation held a hearing on 14 October 2008, quashed the order appealed against and reclassified the impugned act as an offence. The Court of Cassation subsequently closed the criminal proceedings relating to the events of 2001 as time-barred. It committed M.K. for trial before the criminal court, and on 12 January 2010 that court terminated the criminal proceedings against M.K. on the ground that the offence had become time-barred.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Mr Korkolis alleges that the fact that the offences in question became time-barred, which was imputable to the judicial authorities, resulted in a violation of his right of access to a court. He also complains about the length of the proceedings in question.

Mahammad and Others v. Greece (no. 48352/12)

The fourteen applicants are nationals of Iran, the Ivory Coast, Egypt, Nigeria and China, who were born between 1972 and 1989 and who, on different dates, entered Greek territory illegally in the Evros region.

The case concerns the conditions of the applicants' detention, and the lawfulness of that detention, in the Fylakio administrative detention centre in Greece.

The applicants, none of whom had travel documents, were temporarily held in various border posts pending the adoption of decisions ordering their expulsion. The director of the Orestiada police directorate ordered that the applicants be deported, and also that they be held in administrative detention in the Fylakio administrative detention centre, on the ground that they were likely to abscond. On various dates the applicants lodged asylum claims, all of which were refused. On 22 February 2012 they lodged complaints about their continued administrative detention with the Alexandroupoli Administrative Court. On 2 March 2012 the president of the administrative court dismissed those complaints. The first six applicants had been released on 24 February 2012 and received certificates attesting to their status as asylum seekers, and the others were released between 6 and 9 March 2012, with the exception of one person, who was handed over to the Turkish authorities.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), the applicants complain of the conditions of detention in which they were allegedly held for more than three months in the Fylakio administrative detention centre. Relying on Article 5 § 1 (right to liberty and security), they challenge the lawfulness of their administrative detention, alleging that their expulsion was impossible, given that they did not have travel documents. Relying on Article 5 § 4 (right to speedy review of the lawfulness of detention), they complain that Greek law has not corrected the shortcomings in the procedure for reviewing the lawfulness of administrative detention, previously noted by the European Court of Human Rights.

Albakova v. Russia (no. 69842/10)

The applicant, Petimat Albakova, is a Russian national who was born in 1956 and lives in Ordzhonikidzevskoye, Ingushetiya Republic (Russia). The case concerns the alleged abduction, torture and killing of Ms Albakova's son, Batyr Albakov, in the Ingushetiya Republic.

On 10 July 2009 Ms Albakova's son was allegedly taken from the family home by a group of armed men, speaking Russian, Chechen and Ingush following a passport check of all the family members present. Eleven days later Ms Albakova discovered on the internet that her son had been shot dead by Russian servicemen during a counter-terrorist operation in a forest close to Arshty, a village in the Ingushetiya Republic. Her son's body was subsequently returned to her with multiple injuries, including gunshot and stab wounds, fractured bones, burns, bruises and a partially severed arm. An initial inquiry was conducted and then, in August 2009, an official criminal investigation was officially opened, which eventually concluded in May 2012 that Batyr Albakov, a member of an illegal armed group, had died in an exchange of gunfire with a Russian military unit.

Relying on Article 2 (right to life), Article 3 (prohibition of torture and of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy), Ms Albakova alleges that her son was abducted, detained, tortured and killed by Russian servicemen and that the authorities' investigation into her allegations was inadequate.

Dzhugashvili v. Russia (no. 41123/10)

The applicant, Yevgeniy Dzhugashvili, is a Russian national who was born in 1936 and lives in Moscow. The case concerns his complaint about two newspaper articles concerning his grandfather, Joseph Stalin, the former Soviet leader.

In April 2009 *Novaya Gazeta*, an opposition newspaper, published an article about the historical debate on the shooting of Polish prisoners in Katyń in 1940 and the role which the former Soviet leaders, including the applicant's grandfather, had presumably played in those events. Considering that the article slandered his grandfather, he sued the newspaper, its publisher and the author of the article for defamation. In October 2009 the first-instance court dismissed his claim, finding in particular that the publication contributed to a factual debate on events of exceptional public interest and importance and that the historical role of the applicant's ancestor, a world-famous public figure, called for a higher degree of tolerance to public scrutiny and criticism. Upheld on appeal, this judgment became final in December 2009. The debate was continued in another article which was published in *Novaya Gazeta* after the first-instance judgment and Mr Dzhugashvili sued again, without success.

Relying in essence on Article 8 (right to respect for private and family life), Mr Dzhugashvili complains that the national courts approved the slander of his grandfather.

Eshonkulov v. Russia (no. 68900/13)

The applicant, Javokhir Eshonkulov, is an Uzbek national who was born in 1983. The case concerns his complaint about extradition and expulsion proceedings against him in Russia.

In April 2013 Mr Eshonkulov was arrested in Moscow, where he had been living since May 2012, as he was wanted in Uzbekistan on charges of alleged membership of a Muslim extremist movement. He was subsequently placed in detention pending extradition to Uzbekistan. In October 2013 he was released, as the six-month maximum detention period had expired. Immediately following his release, he was rearrested for breaching migration rules. One day after his new arrest, a district court found him guilty of unlawful residence in Russia and ordered his administrative expulsion from Russia. His removal was, however, suspended in November 2013 following an interim measure granted by the European Court of Human rights under Rule 39 of its Rules of Court, which indicated to the Russian Government that Mr Eshonkulov should not be expelled to Uzbekistan pending the proceedings before the Court. Both the extradition and expulsion orders were upheld by the national courts in February 2014. In parallel, Mr Eshonkulov applied for refugee status in Russia. The migration service rejected his application in a decision which was upheld by the Moscow City Court in June 2014. In the extradition, expulsion and refugee-status proceedings he consistently argued that he was at risk of persecution and ill-treatment in Uzbekistan on account of the accusations against him of religious extremism.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Eshonkulov alleges that, if returned to Uzbekistan, he would run a real risk of being subjected to torture and ill-treatment given the nature of the accusations against him. Also relying on Article 5 §§ 1 (f) and 4 (right to liberty and security / right to have lawfulness of detention decided speedily by a court), he complains that his detention pending expulsion was unlawful, alleging in particular that the real purpose of the expulsion proceedings was to circumvent the maximum time-limit in domestic law for detention pending extradition, and that he was unable to obtain judicial review of his detention. Lastly, relying on Article 6 § 2 (presumption of innocence), he alleges that the wording of the extradition decision against him, stating that he had "committed crimes … in the Russian Federation", amounted to a declaration of his guilt which prejudged the assessment of his case by the Uzbek courts.

Lolayev v. Russia (no. 58040/08)

The case concerns an allegation of torture by the police.

The applicant, Alan Khadzhi-Muratovich Lolayev, is a Russian national who was born in 1978 and lives in Vladikavkaz (Russia).

Mr Lolayev was a police officer until 2005 and alleges that he was ill-treated after he was suspected of taking a sub-machine gun from his police station between 25 and 27 February 2008. In particular, he alleges that he was taken to the police station on 28 February 2008 and was beaten on the back and head after being handcuffed to a chair. He also alleges that police officers at the station pressed electrical wires to his ears in order to force a confession from him. On 3 March 2008 he underwent a medical examination, and the ensuing report concluded that Mr Lolayev was suffering from concussion, abrasions on his head and that the injuries could have been inflicted during the time and in the circumstances he had described. The same day, Mr Lolayev complained about his ill-treatment to the prosecuting authorities and a criminal investigation into his allegations was eventually instituted on 16 May 2011. Before that, between April 2008 and June 2010 the investigation authorities refused, on five separate occasions, to open a criminal investigation into Mr Lolayev's allegations. The criminal proceedings were discontinued on 19 February 2012 on the grounds that the actions of the officers disclosed no evidence of a criminal offence.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Article 13 (right to an effective remedy) and Article 5 § 1 (right to liberty and security), Mr Lolayev complains that he had been ill-treated by the police and that the investigation into his allegations had been ineffective.

Malmberg and Others v. Russia (nos. 23045/05, 21236/09, 17759/10, and 48402/10)

The applicants, Mariya Shelkova, Mikhaydar Tazikov, Olga Shevchenok and Marina Surkova, are Russian nationals who were born in 1957, 1957, 1958, and 1946 respectively and live in St Petersburg, Ulyanovsk, Tyumen, and Moscow (all in Russia).

The case concerns civil proceedings to which the four applicants were parties. In those proceedings, the appeal courts (the St Petersburg City Court, the Ulyanovsk Regional Court and the Moscow City Court) read out the operative part of the judgment at the end of a public hearing. Full texts of the judgments were prepared at a later time, and the reading out of the first-instance courts' judgments was also limited to their operative parts.

Relying on Article 6 § 1 (right to a fair trial), the applicants complain about a lack of public access to the reasoned judgments in their cases, since only the operative part of the judgments in their cases was read out in open court and the full texts, which were prepared later, remained inaccessible to the public.

Nogin v. Russia (no. 58530/08)

The applicant, Vladimir Nogin, is a Russian national who was born in 1981 and lives in Syktyvkar (Komi Republic, Russia). The case concerns his complaint of not having been provided with appropriate medical care in detention.

Mr Nogin was convicted of aggravated rape and sentenced to two years and six months' imprisonment in December 2006. Suffering from an insulin-dependent form of diabetes since the age of four, he maintains that he did not receive appropriate medical treatment for his condition in two detention facilities, both while in pre-trial detention from early August to early November 2006 and in detention following his conviction, from December 2006 until March 2009. In particular, he alleges that he was sometimes provided with forms of insulin to which he was allergic or with insulin which was past its expiry date, that he was not provided with a specific diet, and that he was not provided with eye surgery in due time. He relies on Article 3 (prohibition of inhuman or degrading treatment).

Revision

Nosov and Others v. Russia (nos. 9117/04 and 10441/04)

The applicants are 41 Russian nationals who live in Vladikavkaz (Russia). The case concerned the non-enforcement of judgments awarding them social-payment arrears as former policemen involved in the conflict-resolution and peace-keeping operation during the 1992 Ossetian-Ingush armed conflict. Between 2001 and 2002, they successfully sued the Severnaya Osetiya-Alaniya regional internal-affairs department for social-payment arrears. Despite the department's refusal to pay the arrears due to a lack of funds, the judgments were eventually enforced between 2004 and 2005. 40 of the applicants then successfully sued the regional internal-affairs department for the delayed enforcement of the judgments in their favour. All except one received compensation for pecuniary damage on various dates in 2005.

Relying in particular on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 1 of Protocol No. 1 (protection of property), the applicants complained about the delayed enforcement of the judgments in their favour.

In its judgment of 20 February 2014 the Court found violations of the above two provisions and awarded EUR 2,000 to each applicant in respect of non-pecuniary damage and EUR 350 to one of the applicants, Aleksandr Nosov, in respect of costs and expenses.

On 1 July 2014 the widow of one of the applicants informed the Court that her husband, Mairan Ramonov, had died on 24 October 2013, before the judgment was delivered, and that she was his sole heir. She accordingly requested the Court to revise its judgment in what concerns the just satisfaction, so that she could receive the compensation awarded to her husband.

The Court will deal with this request in its judgment of 15 January 2015.

Shkarupa v. Russia (no. 36461/05)

The applicant, Igor Shkarupa, is a Kazakhstani national who was born in 1965 and lives in Novosibirsk (Russia). The case concerns his complaint about the unlawfulness and conditions of his pre-trial detention on murder charges of which he was ultimately acquitted.

On 8 April 2003 Mr Shkarupa was arrested on suspicion of murder and placed in pre-trial detention. His detention was then extended pending trial on several occasions on the grounds that the offences with which he was charged were serious in nature. On 11 August 2004 he was convicted as charged and sentenced to imprisonment. He continued to be held on remand until his conviction became final. On 15 December 2004, his conviction was quashed. However, he remained in pre-trial detention as the courts decided that the preventive measure should continue to apply to him. Subsequently, Mr Shkarupa's detention was extended repeatedly until 15 March 2006, when he was released on bail.

Having subsequently been acquitted – in May 2006 – Mr Shkarupa instituted civil proceedings against the authorities, claiming compensation for his unlawful prosecution and deprivation of liberty. In January 2008 he was awarded 500,000 roubles (approximately 12,500 euros) for having been unlawfully prosecuted and detained from 8 April 2003 to 15 March 2006.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Shkarupa complains about the poor conditions of his detention in a temporary detention facility in Berdsk, where he was taken on several occasions between 2003 and 2006 to participate in the court hearings on his case. He alleges in particular that he was kept in cells that were inadequately equipped and were too small to house the number of inmates within them. He further complains that he had no effective remedies in respect of his complaint about the conditions of detention. Further relying on Article 3 and 13, he also alleges that he was ill-treated by a group of police officers during an inspection of his cell in August 2005; he complained about the ill-treatment to the authorities, without success.

Also relying on Article 5 §§ 1 (c) and 3 (right to liberty and security), he alleges that, following the quashing of his conviction in December 20004, his detention had been unlawful and unfounded.

Yuriy Rudakov v. Russia (no. 48982/08)

The applicant, Yuriy Rudakov, is a Russian national who was born in 1956 and lives in Chernyanka, a village in Belgorod Region. The case concerns his detention pending trial for fraud offences.

Mr Rudakov was arrested in November 2007 and, remanded in custody, was charged with loan fraud, and later with loan fraud and large-scale tax evasion. His detention was subsequently extended on numerous occasions on the ground that there was a risk of him absconding or interfering with the investigation given the seriousness of the charges against him, and to enable him to read the entire case file, which comprised several hundred volumes and thousands of pages of additional material. Because of the complexity of the case, the court extended his detention beyond the maximum 12-month period permitted for detention under national law, initially from November 2008 until January 2009, and then from December 2008 for an unlimited period of time. Mr Rudakov and his defence counsel had read the case file in full by March 2009 and Mr Rudakov was eventually convicted in September 2009 of setting up fraudulent loans and of tax evasion, and sentenced to three years and six month's imprisonment.

Relying on Article 5 § 1 (c) (right to liberty and security), Mr Rudakov complains that his detention pending the study of the case file had been unlawful because it exceeded the maximum detention period provided for by domestic law. Relying also on Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial), he complains that his detention had not been based on relevant and sufficient grounds, and that the domestic courts had failed to consider a more lenient preventive measure in view of the non-violent nature of the criminal offences with which he had been charged.

Yusupova and Others v. Russia (nos. 14705/09, 4386/10, 67305/10, 68860/10, and 70695/10)

The applicants are 14 Russian nationals from five families, who at the time of the events lived in various districts of the Chechen Republic (Russia). The case concerns the disappearance of six men – close relatives of the applicants – who were born between 1959 and 1977, allegedly after having been unlawfully detained by Russian military servicemen during special operations in Chechnya.

In each case, the applicants' relatives were abducted by groups of armed men, most of them wearing camouflage uniforms, in areas under the full control of the Russian federal forces. The applicants have had no news of their missing relatives since the alleged arrests. They complained of the abductions to law-enforcement bodies, and official investigations were opened. Subsequently the proceedings were repeatedly suspended and resumed, and have remained pending for several years without having established who was responsible for the abductions. The Russian Government, in their submissions to the Court, have not challenged the accounts of the events as presented by the applicants, but they have stated that there is no evidence to prove that Russian State officials were involved in the incidents.

Relying on Article 2 (right to life), the applicants complain that their relatives disappeared after having been detained by State officials and that the Russian authorities failed to carry out effective investigations into the matter. They further complain of violations of Article 3 (prohibition of inhuman or degrading treatment) and Article 5 (right to liberty and security) on account of the mental suffering caused to them by the disappearance of their relatives and the unlawfulness of their relatives' detention. They also submit that, in breach of Article 13 (right to an effective remedy), they have no legal remedies available at national level in respect of those complaints.

Zelenin v. Russia (no. 21120/07)

The applicant, Ivan Zelenin, is a Russian national who was born in 1975 and lives in Krasnoyarsk (Russia).

The case concerns his allegation that, suspected of selling heroin, he was ill-treated when arrested during a covert operation by a police drug squad. In particular, Mr Zelenin alleges that, on 6 February 2006, three officers from the drug squad forcibly dragged him out of his flat and beat him. He also alleges that he sustained injuries when, un-handcuffed to sign the police report on the inspection of his flat, he had ran head-first at a cupboard, which then collapsed on top of him. He was taken to hospital the next day where he was diagnosed with a cerebral injury, before eventually being transferred to a remand prison.

Within the following days Mr Zelenin complained to the prosecuting authorities about the alleged ill-treatment and a pre-investigation inquiry was carried out. Notably, in February 2007 the district prosecutor's office ordered a forensic expert examination in order to establish the origin of his injuries. That report was however inconclusive, and the prosecuting authorities went on to repeatedly refuse to open a criminal investigation, finding that the witnesses who had corroborated Mr Zelenin's version of events were unreliable and accepting that the drug squad officers had been obliged to use force against him as he had resisted arrest. Those decisions by the prosecuting authorities were ultimately upheld on judicial review in January 2008.

In the meantime, Mr Zelenin was convicted in November 2006 of drug related offences and sentenced to six years' imprisonment. He has since been released on probation.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Zelenin complains that he was ill-treated by the police and that there was no effective official investigation into his allegations. Also relying on Article 5 § 1 (c) (right to liberty and security), he complains that his arrest and detention up until the early hours of the morning on 7 February 2006 had not been authorised by a court and were therefore unlawful. Lastly, relying on Article 8 (right to respect for private and family life and the home), he complains that the inspection, search and seizure carried out in his flat on 6 February 2008 were also unlawful.

M.A. v. Slovenia (no. 3400/07)
N.D. v. Slovenia (no. 16605/09)

The applicants, Ms M.A. and Ms N.D., are Slovenian nationals who were born in 1962 and 1986, respectively. Ms M.A. lives in Maribor (Slovenia) and Ms N.D. in Loka pri Žusmu (Slovenia). Both cases concern their complaints about the excessive length of criminal proceedings brought against the men whom they had accused of rape.

On 3 November 1983 Ms M.A., who was eight months pregnant, was attacked by three men on her way home from work. They pulled her into a car, drove to a remote location and raped her one after the other. Ms M.A. immediately went to the police and the three men were arrested and placed in custody. They were released on 24 November 1983. They were subsequently charged with aggravated rape in March 1984. One of the men, who had fled the country, could not be traced and the charges against him were eventually dropped in October 2008. The main hearing against the other two men commenced in November 1996; one of them died in 2003 and the remaining suspect was convicted of aggravated rape in November 2004. That judgment was quashed on appeal, but the remaining suspect was convicted again on retrial. His subsequent appeal was allowed with regard to the sentence, and the higher court's judgment was eventually confirmed by the Supreme Court in September 2009.

Ms N.D. first complained to the police in December 2000 of having been raped by her uncle in 1992, when she was six years old, alleging that the assaults continued until 1994. A number of investigative steps were undertaken to examine her allegations, including the police questioning the applicant, her family and her doctor. Her uncle was indicted in May 2002 for sexual assault of a minor. The trial began six years after that, in April 2008, and led to the uncle being found guilty in April 2009 of continuous sexual assault of a person younger than 14 years' old and to him being sentenced to three years and four months' imprisonment. The uncle's appeal was dismissed in March 2010 and his conviction and sentence upheld. Ms N.D. brought a claim against the State seeking compensation for the delays in the criminal proceedings against her uncle and, in May 2011, the national courts awarded her 4,000 euros in damages.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life), the applicants complain that the State failed to provide an effective system of prosecution and trial against their rapists, the related criminal proceedings having lasted some 26 years in the first case and over nine years in the second case.

Mihelj v. Slovenia (no. 14204/07)

The applicant, Zdravko Mihelj, is a Slovenian national who was born in 1965 and lives in Ljubljana. The case concerns criminal proceedings against him on charges of fraud.

Questioned by an investigating judge in September 1999 in the course of a criminal investigation against him on the charge of aggravated fraud, Mr Mihelj denied the charge. After he had formally been indicted, the charge was reclassified in July 2000 by a pre-trial panel as attempted fraud. In a hearing in his absence, the Ljubljana Local Court found him guilty as charged and sentenced him to seven months' imprisonment in March 2002. The court noted that, although he had been duly notified, Mr Mihelj had provided no justification for his absence, and that his presence at the hearing – during which three witnesses were heard – was not necessary to establish the facts of the case. The judgment was eventually upheld on appeal by the Supreme Court in November 2003.

Relying on Article 6 §§ 1 and 3 (right to a fair trial), Mr Mihelj complains that the criminal trial against him was unfair, on account of his conviction in his absence following the modification of the indictment, of which he had no knowledge, and his inability to cross-examine witnesses for the prosecution.

Chopenko v. Ukraine (no. 17735/06)

The applicant, Valeriy Chopenko, is a Ukrainian national who was born in 1970. He is currently serving a life sentence in Dnipropetrovsk (Ukraine) for rape, theft, robbery and aggravated murder. The case concerns Mr Chopenko's complaint that certain aspects of his trial and appeal proceedings were unfair.

Mr Chopenko was arrested on 27 June 2005 for questioning about the murder of a young woman who had been found a few days earlier hung from a tree. The same day he signed a statement in which he confessed to the crime and then, when formally questioned in the presence of a lawyer on 28 June 2005, gave further details as to his involvement. Criminal proceedings were later started against Mr Chopenko on the grounds that he had committed a non-aggravated murder, and he was informed that he had the right to legal assistance. Following investigation of the incident, the charges against him were reclassified as aggravated murder, rape and robbery. During the course of the investigation, and up until the reclassification of the offences, Mr Chopenko stated that his confessions had been made voluntarily. Following the reclassification, a new lawyer was hired on his behalf; and in the autumn of 2005, when committed for trial, he pleaded not-guilty, maintaining that he had confessed to the murder of the victim as a result of psychological and physical ill-treatment. He was found guilty as charged in December 2005. Subsequently, in January 2006 he filed cassation proceedings where he maintained his innocence and his claim that his confession had been extracted under duress. On 18 April 2006 the Supreme Court held a hearing in the case, which was not attended by Mr Chopenko or by a lawyer on his behalf, their request to attend having been rejected as out of time. On the same date the Supreme Court dismissed the cassation appeal on the basis that the case file contained sufficient evidence of guilt.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing) Mr Chopenko complains that he had not been provided with legal assistance during the initial question sessions between 27 and 28 June, and that he had been unfairly deprived of an opportunity to take part in the cassation hearing on his case.

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.

Bernhart v. Austria (no. 32263/10)
Behbudov v. Azerbaijan (no. 36702/11)
Gafarov v. Azerbaijan (no. 58904/08)
Hasan Karimov v. Azerbaijan (no. 36898/11)
Svaz klubů mládeže v. the Czech Republic (no. 20777/13)
T. and Others v. Finland (no. 56580/13)
Adebowale v. Germany (no. 546/10)
Antonakis v. Greece (no. 78432/11)
Dyovouniotou v. Greece (no. 30492/11)
Galani and Others v. Greece (no. 3394/12)
Galiandra and Others v. Greece (no. 3406/12)
Glezakou-Robaki and Others v. Greece (no. 29582/12)
Kalodetis v. Greece (no. 11737/12)
Lyggoni v. Greece (no. 20025/12)
Pallas-Papapostolou v. Greece (no. 26023/12)
Papadopoulou-Stamatopoulou and Others v. Greece (no. 26681/12)
Petrakos v. Greece (no. 20036/12)
PsyroukI and Others v. Greece (no. 29558/12)
Vikias v. Greece (no. 9070/12)
Vlassi-Venetsanou and Others v. Greece (no. 11370/12)
Zaverdinou and Others v. Greece (no. 29540/12)
The Irish Congress of Trade Unions and the Technical, Engineering and Electrical Union v. Ireland (no. 72596/13)
Giuttari v. Italy (no. 42733/07)
Maniscalco v. Italy (no. 19440/10)
Āboliņš v. Latvia (no. 27979/08)
Pūce v. Latvia (no. 38068/08)
Vdovins v. Latvia (no. 6290/04)
Knoess v. Malta (no. 69720/11)
Globa and Others v. the Republic of Moldova (nos. 13333/07, 15310/07, and 844/09)
Grușcă v. the Republic of Moldova (nos. 12875/04)
Malai v. the Republic of Moldova (no. 22267/08)

Moroi v. the Republic of Moldova (no. 55886/13)
Paduraru v. the Republic of Moldova (no. 28355/08)
Stefoglo v. the Republic of Moldova (no. 22966/13)
Tăbăcaru and Guţu v. the Republic of Moldova (nos. 29626/09 and 42574/09)
T.V. - Zavtoni I.I. v. the Republic of Moldova (no. 35153/10)
M v. the Netherlands (no. 2156/10)
Onroerend Goed Maatschappij De Linde Groesbeek B.V. and Others v. the Netherlands (no. 19165/11)
V. and Others v. the Netherlands (nos. 60345/13, 66982/13, and 79970/13)
Pielesiak v. Poland (no. 54072/11)
Strzelecka v. Poland (no. 14217/10)
Wasiewska v. Poland (no. 9873/11)
Alvim Pinheiro and Others v. Portugal (no. 55399/12)
Anjos Antão v. Portugal (no. 29504/13)
Antunes Castro and de Castro Coelho v. Portugal (no. 19781/13)
Coelho Raposo v. Portugal (no. 12900/13)
Da Silva Espada Duarte de Almeida and Espada Duarte Alegria v. Portugal (no. 8815/13)
De Jesus Mendes v. Portugal (no. 13460/13)
Massa Insolvente de J. Serra Ramos, Lda v. Portugal (no. 28048/13)
Oliveira da Costa v. Portugal (no. 30445/13)
Quipraia - Empreendimentos Imobiliários, S.A. v. Portugal (no. 34735/13)
Andronic v. Romania (no. 21517/13)
Bădiță v. Romania (no. 35558/06)
Ballai and Others v. Romania (nos. 47785/07, 28646/08, 43226/08, and 49291/09)
Berki v. Romania (no. 68123/12)
Ciutacu v. Romania (no. 51100/13)
Cristescu v. Romania (no. 75359/12)
Cristescu v. Romania (no. 23834/13)
Danila Alexa v. Romania (no. 63204/12)
Deaconu v. Romania (no. 43469/13)
Deme v. Romania (no. 73420/12)
Ene v. Romania (no. 44380/13)
Fratila v. Romania (no. 28514/07)
Gheorghe v. Romania (no. 47650/12)
Mîndruț v. Romania (no. 75860/12)
Modan v. Romania (no. 36188/13)
Muresan v. Romania (no. 37702/06)
Nicolae Popa v. Romania (no. 43768/06)
Pall v. Romania (no. 1990/04)
Petre v. Romania (no. 19528/13)
Purcarescu v. Romania (no. 75758/12)
Roşca Pelău v. Romania (no. 30484/04)
Stanciu and Others v. Romania (no. 37488/07)
Tîrlă and Others v. Romania (no. 26887/06)
Tudose v. Romania (no. 34778/04)
Vișan and Others v. Romania (no. 708/13)
Demyanenko v. Russia (no. 27034/12)
Dubnov v. Russia (no. 60291/08)
Fedkov v. Russia (no. 46679/07)
Ivanova and Yerokhina v. Russia (no. 35124/09)
Kalinin v. Russia (no. 16086/04)

Kasarakin v. Russia (no. 22147/03)
Kuzmin v. Russia (no. 33841/13)
Mironov v. Russia (no. 38428/06)
Ostroushko and Others v. Russia (nos. 3666/06, 2728/07, 4304/07, 4305/07, 5677/07, 6198/07, 21606/07, 29731/07, 35568/08, 36841/08, 37123/08, and 20478/13)
Shlykov v. Russia (no. 53399/08)
Yefimenko v. Russia (no. 24883/13)
Zakharov v. Russia (no. 49816/08)
Zavorin v. Russia (no. 42080/11)
Zelentsov v. Russia (no. 67042/11)
Adžemović and Others v. Serbia (no. 23387/12 and 180 other applications)
Atanasijević and Others v. Serbia (nos. 49961/12, 50238/12, 50243/12, 59641/12, and 27200/13)
Crnovršanin v. Serbia (no. 52957/12)
Cvetković v. Serbia (no. 63649/13)
Luković v. Serbia (no. 5224/11)
Mićić and Đurić v. Serbia (nos. 835/08 and 11824/08)
Miletić and Others v. Serbia (no. 48547/12 and 19 other applications)
Stanković v. Serbia (no. 52455/07)
Stanojević and Others v. Serbia (nos. 7014/10, 46004/10, 26129/12, 65413/13, 67866/13, 6669/14, and 6677/14)
Kráľ v. Slovakia (no. 56783/11)
Kucurskl v. Slovenia (no. 7428/13)
Raji and Others v. Spain (no. 3537/13)
Dahlberg v. Sweden (no. 75201/11)
Mladenovski v. 'the former Yugoslav Republic of Macedonia' (no. 34123/04)
Bezverkhniy v. Ukraine (no. 36320/06)
Guskova v. Ukraine (no. 18878/12)
Kosmata v. Ukraine (nos. 10558/11 and 28218/11)
Soprunov v. Ukraine (no. 52635/12)
Vedmedenko v. Ukraine (no. 17522/07)
Zavadskiy v. Ukraine (no. 64596/12)
Zelenska v. Ukraine (no. 19631/08)

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