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

Press Release
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Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing ten judgments on Tuesday 16 June 2015 and 20 judgments and / or decisions on Thursday 18 June 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 16 June 2015

Vasil Hristov v. Bulgaria (application no. 81260/12)

The applicant, Vasil Asenov Hristov, is a Bulgarian national who was born in 1946 and lives in Oryahovo (Bulgaria).

The case concerns Mr Hristov's complaint about the authorities' failure to identify and punish those responsible for a violent attack against him.

On 13 June 2002 Mr Hristov, his son and his brother were attacked at a bus station by a group of men who beat them with bats and metal rods. Mr Hristov, left unconscious with a traumatic brain injury and a broken skull, was hospitalised for several days. The police opened a criminal investigation on the day of the attack and, over the next few days, Mr Hristov and the other victims, as well as witnesses – including suspects in the incident – were interviewed and two of the attackers were identified. Mr Hristov explained that he had been in dispute with one of the two identified men over his snail business. The two accused men were subsequently charged and, brought to court in 2009, were convicted in April 2012. However, the convictions were quashed in October 2012 and the case was remitted to the prosecution authorities where it has remained dormant pending the identification of the remaining attackers. The criminal proceedings still being pending, Mr Hristov's civil claim, accepted for examination in the criminal proceedings at first-instance, has thus remained unexamined.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Hristov complains that the criminal proceedings relating to the attack against him have so far already lasted almost 13 years without the authorities having identified, convicted or punished all those who attacked him. He alleges that this delay was intended to result in the offence against him – classed as intermediate bodily harm under the domestic law, an offence with a limitation period for prosecution of ten years – becoming time-barred, meaning that prosecution and civil redress are now impossible.

Mazzoni v. Italy (no. 20485/06)

The applicant, Giuseppe Mazzoni, is an Italian national who was born in 1940 and lives in Udine (Italy).

The case concerns, in particular, the dismissal of an appeal on points of law by Mr Mazzoni in the context of proceedings under the "Pinto Act"[1] and the public authority's decision not to pay him salary arrears.

[1] The Pinto Act, which entered into force in 2001, introduced a remedy for excessively lengthy proceedings before the Italian courts.

In 1980 Mr Mazzoni, who at the time was a serviceman, was found guilty of embezzlement of public funds to the detriment of the Defence Ministry and was ordered to pay compensation to the State. He was temporarily suspended from his post. The damage sustained by the State was subsequently determined by the Court of Audit, which ordered Mr Mazzoni to pay 699,952 euros to the Treasury.

In 2002 Mr Mazzoni appealed to the Rome Court of Appeal under the "Pinto Act" to complain about a violation of Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights. The Court of Appeal dismissed his appeal and Mr Mazzoni appealed on points of law but was unsuccessful, as the Court of Cassation found that he had not specifically addressed the two autonomous findings on which the Court of Appeal had based its judgment (reasonable time not exceeded and applicant's non-pecuniary damage).

Moreover, in March 2001 the Frioul Regional Administrative Court acknowledged Mr Mazzoni's right to receive salary arrears, but the Ministry of Defence ordered that the total sum due to the applicant be withheld in partial compensation for the sum that he himself owed.

Relying on Article 6 § 1 (right to a fair hearing), Mr Mazzoni complains that his appeal on points of law was dismissed on an excessively formalistic ground, namely the fact that he had not disputed the finding of the Court of Appeal concerning non-pecuniary damage. In addition, he complains that the excessive length of proceedings before the criminal and audit courts has breached Article 6 § 1 (right to a fair hearing within a reasonable time). He also complains under that provision that the financial proceedings against him were initiated at a time when the public authority's right of recovery was already time-barred. Lastly under Article 1 of Protocol No. 1 (protection of property) he complains about the authority's decision not to pay him salary arrears.

Lebedinschi v. the Republic of Moldova (no. 41971/11)

The applicant, Adrian Lebedinschi, was born in 1976 and lives in Chișinău. At the relevant time, he was a police superintendent in Chişinău.

The case concerns a refusal to grant him a lump-sum indemnity for loss of capacity to work.

On 1 November 2008 Mr Lebedinschi attended the scene of a traffic accident, where he was struck by a passing car. He had his left leg amputated and his right leg required a prosthesis. On 9 September 2009 the central military medical commission of the Interior Ministry established that Mr Lebedinschi's injuries had occurred in the course of his duties and took the view that he was unfit for service in the police. He was made redundant by the Ministry.

Mr Lebedinschi received the sum of 36,655.35 Moldovan lei (MDL) – about 2,200 euros (EUR) at the relevant time – as the lump-sum health-insurance indemnity paid to police personnel who are injured in the course of their duties. The applicant subsequently brought proceedings against the Ministry to receive another payment, namely the lump-sum indemnity for loss of capacity to work provided for in the *Rules on payment by companies, organisations and institutions of the lump-sum indemnity for the employee's loss of capacity to work or death following an accident at work or occupational illness*. He sought MDL 571,000 (about EUR 34,300 at the relevant time) on that basis. In a judgment of 5 October 2010 the Chişinău Court of Appeal found that Mr Lebedinschi was not entitled to that indemnity, as the Rules in question were not applicable to police personnel except for contractual employees. Mr Lebedinschi lodged an appeal, asserting that he had been employed by the Ministry on a contractual basis. He made a distinction between the personnel with whom the Ministry signed an employment contract, which was his case, and the personnel employed without a contract, i.e. gendarmes and public servants recruited by competition. In a final judgment of 16 February 2011 the Supreme Court of Justice dismissed his appeal. The court did not address Mr Lebedinschi's argument about the existence of a contractual relationship with the Ministry.

Relying on Articles 6 (right to a fair hearing) and 13 (right to an effective remedy), Mr Lebedinschi complains about the insufficient reasoning in the decisions of the Chișinău Court of Appeal and the

Supreme Court of Justice. Under Article 1 of Protocol No. 1 (protection of property) he also complains about the refusal to grant him the lump-sum indemnity for loss of capacity to work.

Constantin Nistor v. Romania (no. 35091/12)
Ghiroga v. Romania (no. 53168/12)

The applicants are Constantin Nistor, who was born in 1960 and lives in Piatra Neamţ (Romania), and Florin Ghiroga, who was born in 1974 and lives in Sibiu (Romania).

In September 2011 Mr Nistor was arrested on suspicion of bribery and remanded in custody from 29 September to 29 November 2011.

In April 2012 Mr Ghiroga was taken into police custody by decision of the public prosecutor for the department of organised crime and terrorism investigations. Suspected of having hacked computer systems, he was remanded in custody from 19 April 2012 to 29 August 2012.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants complain about the conditions of their detention, for Mr Nistor on police premises at Bacău, and for Mr Ghiroga in the police cells at Câmpina and Târgovişte and in Mărgineni prison. They complain in particular about prison overcrowding, lack of hygiene, presence of parasites and poor quality of food.

Relying on Article 8 (right to respect for private and family life), they complain about the audio and/or video surveillance to which they were subjected on the police premises (in the cell and during prison visits) at the police station in Bacău for Mr Nistor, and in the police cells at Câmpina and Târgovişte for Mr Ghiroga. Their cells were fitted with a surveillance camera, according to the Government, to prevent problematic situations (fights between inmates, suicides). The cameras operated 24 hours a day and were connected to the office of the chief inspector for custodial premises.

Manole and “Romanian Farmers Direct” v. Romania (no. 46551/06)

The applicants are Benieamin Manole, a Romanian national who was born in 1956 and lives in Priponeşti (Romania, Galaţi county), and a group of 48 farmers of which Mr Manole is part.

The case concerns a refusal to register a union of self-employed farmers that Mr Manole wished to set up.

Until 2003 self-employed workers in Romania were entitled to set up trade unions. A legislative amendment of 2003 allowed them only to join unions, not to form them. Thus, the request by Mr Manole to register the union Cultivatorii Direcţi din România (Autonomous Farmers of Romania) was rejected. In a decision of 30 May 2006 the County Court confirmed the refusal to register the union, pointing out that only employees with a contract of employment or public servants were entitled to form unions, but not farmers or other self-employed professionals, who were entitled only to join existing unions.

The applicants allege that the refusal of the Romanian courts to register the farmers’ union breached the right to freedom of association protected by Article 11 (freedom of assembly and association).

Rafailović and Stevanović v. Serbia (nos. 38629/07 and 23718/08)

The applicants, Milan Rafailović and Svetlana Stevanović, are Serbian nationals who were born in 1958 and 1964 respectively. Milan Rafailović lives in Varna and Svetlana Stevanović lives in Sokobanja (both in Serbia).

Both cases concern the non-enforcement of judicial decisions given in their favour against their respective local communities for payment of debts.

Mr Rafailović used to run a transport business and, in 1994, he brought proceedings against his local community in Pocerski Metković requesting payment for transport services he had provided to

them. In a judgment of May 2001, which subsequently became final and enforceable, the Serbian commercial courts ordered the local community to pay the debt owed to Mr Rafailović.

Mr Stevanović used to run an installation business and brought proceedings against his local community in Sokobanja for payment of maintenance work he had provided on the community's cable-satellite transmission system. In judgments of 2003 and 2004, which subsequently became final and enforceable, the enforcement courts ordered the local community to pay the debt owed to Mr Stevanović.

The judgments given in favour of both applicants remain unenforced to date due to their respective local communities' insolvency.

Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), both applicants complain about the failure to enforce the judicial decisions in their favour. Mr Rafailović also relies on Article 13 (right to an effective remedy), alleging that he had no domestic remedy to complain about the non-enforcement.

Schmid-Laffer v. Switzerland (no. 41269/08)

The applicant, Ms Schmid-Laffer, is a Swiss national who was born in 1975 and lives in Triengen (Switzerland).

The case concerns her right to remain silent during a police interview.

On 31 July 2001 M.S., her partner, stabbed O.S, a man from whom Ms Schmid-Laffer was in the process of divorcing. On 1 August 2001 the police interviewed Ms Schmid-Laffer without arresting her and she gave detailed statements. On 23 August 2001 Ms Schmid-Laffer was arrested and remanded in custody. The next day she confessed to having incited M.S. to murder her husband. She was assigned a lawyer on 5 September 2001. During subsequent confrontations in the investigating judge's office, in the presence of her lawyer, Ms Schmid-Laffer retracted her confessions and fully denied her involvement in two attempts to murder her husband.

On 26 February 2004 Ms Schmid-Laffer was sentenced to seven years' imprisonment by the Baden District Court. She appealed to the Cantonal Supreme Court, which upheld the first-instance judgment. The Federal Court, on an appeal by Ms Schmid-Laffer, set aside the judgment of the Cantonal Supreme Court on the ground that she had made confessions while being held on remand without having been informed of her right to remain silent. On 6 June 2007 a judgment of the Cantonal Supreme Court upheld her conviction and sentence. Ms Schmid-Laffer appealed to the Federal Court, alleging in particular that the admission in evidence of her statements of 1 August 2001 was incompatible with her right not to incriminate herself and that she had been deprived of the right to have certain defence witnesses examined. On 21 January 2008 the Federal Court judgment dismissed the appeal, finding that Ms Schmid-Laffer had been released on 1 August 2001 and that it had therefore been unnecessary to inform her of her right not to incriminate herself. The Federal Court also took the view that the lower court had been able to rely in particular on the statements of M.S., that had been found credible, and that the refusal to take evidence from any other witnesses was therefore not arbitrary.

Relying on Article 6 (right to a fair trial), Ms Schmid-Laffer complains in particular that she was not informed of her right to remain silent, that she was unable to have certain defence witnesses examined and that there were defects in some of the reports in the file.

Dicle and Sadak v. Turkey (no. 48621/07)

The applicants are two Turkish nationals, Mehmet Hatip Dicle and Selim Sadak, who were born in 1955 and 1954 respectively and live in Diyarbakır and Şırnak (Turkey) respectively.

The case concerns alleged breaches of the right to be presumed innocent and the rejection of the applicants' candidatures to the legislative elections of 2007 following their criminal conviction.

MPs in the Turkish Grand National Assembly and members of the political party DEP (Party of Democracy), dissolved by the Constitutional Court, Mr Dicle and Mr Sadak were sentenced in a final judgment of 26 October 1995 to 15 years' imprisonment for membership of an illegal organisation. In the judgment *Sadak and Others v. Turkey* of 17 July 2001, the European Court of Human Rights found violations of Article 6 (right to a fair trial) on account of a lack of independence and impartiality of the State Security Court, and the failure to inform the applicants in a timely manner of the reclassification of the charges against them, together with their inability to examine or have examined witnesses against them. Following that judgment, Mr Dicle and Mr Sadak had their trial reopened, under Article 327 of the Turkish Code of Criminal Procedure. On 9 March 2007 the Assize Court upheld the applicants' convictions, referring to them in its judgment as "the accused (convicted persons)", but reduced their prison sentence to seven years and six months. The Court of Cassation upheld that decision.

Mr Dicle and Mr Sadak wished to stand as independent candidates in the legislative elections of 22 July 2007. The higher electoral board refused their candidatures on the ground that their criminal convictions precluded their eligibility, even though since their initial conviction the proceedings had been re-opened and were still pending before the Assize Court at the time of the elections.

The applicants complain that the principle of the presumption of innocence protected by Article 6 § 2 of the Convention has been disregarded, particularly on account of the wording used in the judgment of the Assize Court dated 9 March 2007. Under Article 3 of Protocol No. 1 (right to free elections), they complain of a breach of their right to stand for election as independent candidates. Relying on Article 13 (right to an effective remedy) taken together with Article 3 of Protocol No. 1, they allege that under Article 79 of the Constitution the decisions of the higher electoral board cannot be appealed against to another body.

Levent Bektaş v. Turkey (no. 70026/10)

The applicant, Levent Bektaş, was born in 1967 and lives in Istanbul. At the relevant time he was a retired army officer and a businessman.

The case concerns, in particular, Mr Bektaş's detention on remand on suspicion of being an active member of the illegal organisation Ergenekon.

On 22 April 2009, in the context of an operation against Ergenekon, the Istanbul police arrested Mr Bektaş and took him into custody, suspecting him of engaging in activities seeking the overthrow of the government by force and violence. During the criminal proceedings against him Mr Bektaş applied many times to the Istanbul Assize Court for his release. Each time the Assize Court followed the opinion of the public prosecutor's office, which had not been notified to Mr Bektaş or his representative, and dismissed the applications for release, invoking the nature of the charges, the strong suspicions against Mr Bektaş, the risk of his absconding, the risk of evidence being jeopardised, and the risk that alternatives to detention might be insufficient to ensure his participation in the criminal proceedings. On 27 January 2014 the Assize Court, in view of the duration of Mr Bektaş' detention, ordered his release. The case is still pending before the Assize Court.

Mr Bektaş alleges that the length of his detention on remand breached Article 5 § 3 (right to liberty and security) and, relying on Article 5 § 4 (right to obtain a prompt decision by a court on the lawfulness of detention), complains that there was no effective remedy by which to seek release, in particular because of the inability to obtain notice of the public prosecutor's opinion. Lastly, relying on Article 8 (right to respect for private and family life), he complains about the use of telephone intercept evidence in the proceedings.

Thursday 18 June 2015

Mehdiyev v. Azerbaijan (no. 59075/09)

The applicant, Hakimeldostu Bayram oglu Mehdiyev, is an Azerbaijani national who was born in 1961 and lived in Nakhchivan at the time of the events.

The case mainly concerns his complaint of having been ill-treated and deprived of his liberty by officials of the Ministry of National Security ("the MNS") because of his journalistic activity.

Working as an independent journalist, Mr Mehdiyev published two critical articles about the economic and political situation in the Nakhchivan Autonomous Republic in a newspaper in August and September 2007. According to his submissions, he was approached by the head of the district department of the MNS, on 22 September 2007, who accused him of publishing defamatory articles and then ordered four men in uniform to arrest him. Mr Mehdiyev was taken to the premises of the MNS, where the head of the district department ordered several officials to explain to Mr Mehdiyev "the meaning of his activity as a reporter". He submits that he was then repeatedly tortured; in particular, he was hit with truncheons and punched in the head. Subsequently the head of the district department demanded that Mr Mehdiyev become a member of the ruling political party and to write defamatory articles, which he refused.

Mr Mehdiyev was released after 12 hours, but re-arrested the following morning and taken to a police office, where the head of that office demanded to know why he had informed the press of his arrest. On the same day, 23 September 2007, Mr Mehdiyev was taken to a district court and sentenced to 15 days' administrative detention for obstructing the police. According to his submissions, during his detention he was deprived of food and water, he was forced to spend nights outside on a concrete walkway, handcuffed and exposed to mosquitos, and he was insulted and beaten by officials of the MNS. Eventually he was released early, after four days in administrative detention, without an official explanation.

The Government of Azerbaijan denied that Mr Mehdiyev had been arrested, detained or ill-treated on 22 September 2007. They maintained that on 23 September 2007 he had been taken to a police station after having used loud and abusive language in public; he was then sentenced by the district court to 15 days' administrative detention. The Government submitted that he had been detained in a temporary detention facility, alone in a sufficiently large cell furnished with a bed and other necessities.

Following his release from detention, Mr Mehdiyev repeatedly lodged criminal complaints about his ill-treatment with the prosecutor at district and national level and also complained to several other official bodies, without concrete results.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Mehdiyev complains that he was ill-treated by officials of the MNS and that the national authorities have failed to investigate his allegation of ill-treatment. Under the same article, he also complains of his detention conditions from 23 to 27 September 2007. Mr Mehdiyev further complains, relying on Article 5 (right to liberty and security) and Article 10 (freedom of expression), that he was unlawfully deprived of his liberty by officials of the MNS and that his ill-treatment and arrest by those officials on account of his journalistic activity constituted an unlawful interference with his right of freedom of expression. Finally, he complains that the administrative proceedings violated his rights under Article 6 § 1 (right to a fair trial), in particular as he was not represented by a lawyer during the hearing before the district court.

B. and Others v. Croatia (no. 71593/11)

The applicants are three Croatian nationals who were born in 1960, 1979, and 1987 respectively and live in Petrinja (Croatia).

The case concerns the killing of their husband and father in 1991, in the context of targeted disappearances and killings of civilians of Serbian origin by the Croatian police and army in the Sisak area (Croatia) during the Homeland war in Croatia.

The applicants' relative, driving a coach, was apprehended by Croatian soldiers on 4 August 1991 at a checkpoint in Odra. Allegedly not having complied with orders, he was beaten and taken to hospital where he died of his injuries shortly afterwards. An investigation was launched on 9 August 1991 and various witnesses were interviewed by the police. Notably, two Croatian soldiers stationed in Odra at the time made statements identifying two other Croatian soldiers, M.S. and V.H., as being directly responsible for arresting and beating the applicants' relative. A third Croatian soldier, who had not personally witnessed the incident, later stated that he had heard some members of his unit confirming that M.S. and V.H. had taken the applicants' relative off the coach and beaten him. M.S. was interviewed in February 2003, but denied any involvement in the killing; V.H. died in 1997.

As the investigation failed to identify those directly responsible for the death of the applicants' relative, the law-enforcement authorities concentrated their efforts on identifying those at a higher level of command in the police. A criminal complaint was thus lodged in June 2011 against the Head of the Sisak Police Department, his Deputy, V.M., and a member of the Croatian Army on charges of war crimes against the civilian population. In December 2013 V.M. was found guilty of war crimes against the civilian population in that he had been in charge of the police forces in the area of Sisak and Banovina and had allowed the killings of persons of Serbian origin, including the brutal beating and killing of a coach driver, the applicants' relative. V.M.'s conviction was upheld by the Supreme Court in June 2014 and he was sentenced to ten years' imprisonment. The Sisak Head of Police was acquitted of all charges; the other accused died in 2011.

In the meantime, the applicants had brought civil proceedings in 2005 seeking compensation for the death of their relative – including a constitutional complaint – which were dismissed. Following V.M.'s criminal conviction the applicants sought the reopening of these proceedings and their request is currently pending.

The applicants essentially complain about the inadequacy of the investigation into their relative's death, alleging that none of those directly responsible for the beating of their relative have so far been indicted, despite a number of witnesses to the incident. They allege that this shows that the authorities were not genuinely willing to identify the direct perpetrators and bring them to justice. They rely in particular on Article 2 (right to life) and Article 13 (right to an effective remedy). Also relying on Article 14 (prohibition of discrimination) in conjunction with Article 2, the applicants allege that their husband and father was arrested and killed purely because of his Serbian ethnic origin and that the authorities failed to investigate this factor.

Fanziyeva v. Russia (no. 41675/08)

The applicant, Mariya Fanziyeva, is a Russian national who was born in 1942 and lives in Nalchik (Kabardino-Balkar Republic, Russia).

The case concerns Ms Fanziyeva's allegation that her 35-year-old daughter, Madina Eneyeva, was thrown from the window of a police station.

On 26 May 2007 Ms Fanziyeva's daughter, accused of stealing a skirt by a stall-holder at the local market, was arrested by the police on suspicion of theft and taken for questioning to the local police station. Ms Fanziyeva alleges that her daughter was beaten and, while still unconscious, thrown out of the police station window by police officers. According to the authorities, Ms Eneyeva, seizing an opportunity when she went to the lavatory and was unguarded, attempted to escape by jumping

from the lavatory window. Ms Eneyeva was taken to hospital where she died from her injuries. A pre-investigative inquiry into the death was subsequently opened. The authorities have so far repeatedly refused to look into the circumstances of Ms Eneyeva's death and no criminal investigation has ever been instituted. Criminal proceedings were, however, opened in July 2007 into alleged abuse of power by an unidentified police officer, on the basis of the post-mortem report which stated that Ms Eneyeva had bruises and scratches on her legs unrelated to her fall from the window. Those proceedings, stayed and resumed on a number of occasions, are apparently still pending.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment), Ms Fanziyeva alleges that her daughter, a mother of three children, had no reason to commit suicide and that she must have been badly beaten by the police and then thrown from the police station window. Ms Fanziyeva also alleges that no meaningful investigations have ever been carried out into the circumstances of her daughter's ill-treatment or death. Lastly, relying on Article 13 (right to an effective remedy), she complains that she has had no effective domestic remedies at her disposal with which to complain about the lack of an investigation into her daughter's ill-treatment and death.

Yaikov v. Russia (no. 39317/05)

The applicant, Vyacheslav Yaikov, is a Russian national who was born in 1974 and lives in Miass, Chelyabinsk Region (Russia).

Mr Yaikov, who is mentally disabled, complains about his involuntary placement in a psychiatric hospital at the pre-trial stage of criminal proceedings against him for murder.

On 19 September 2003 Mr Yaikov was arrested on suspicion of murder. During questioning he confessed to having murdered five other people. A first set of criminal proceedings was brought against him and his detention on remand was repeatedly extended until 25 October 2005 when the investigation was suspended, the courts having ordered Mr Yaikov's transfer to a psychiatric institution until such time as his condition improved. The court order was based on a medical recommendation of 16 July 2004 which found that Mr Yaikov posed a danger to society and needed compulsory treatment at a psychiatric institution under strict supervision. The order was executed on 13 January 2006. Mr Yaikov was released from the psychiatric hospital and returned to ordinary detention on 17 November 2006. The investigation was then resumed and, in a second set of proceedings against Mr Yaikov, he was found guilty on 11 September 2008 of sexually assaulting and murdering six women. He was relieved of criminal responsibility as he had committed the crimes in a state of insanity and his compulsory treatment in a psychiatric institution was further ordered. That decision was upheld by the Supreme Court of Russia in December 2008.

Relying on Article 5 § 1 (c) and (e) (right to liberty and security), Mr Yaikov alleges that the court order of 25 October 2005 ordering his placement in a psychiatric hospital, based on a medical recommendation dating back to 2004, was unlawful. Further relying on Article 6 § 1 (right to a fair trial within a reasonable time), he also complains about the excessive length – more than five years – of the criminal proceedings brought against him.

Ushakov and Ushakova v. Ukraine (no. 10705/12)

The applicants, Sergey Ushakov and Anna Ushakova, husband and wife, are Ukrainian nationals who were born in 1976 and 1988 respectively. Sergey Ushakov is currently serving a sentence of imprisonment in Kholodnogirska penitentiary no. 18. Anna Ushakova lives in Kharkiv (both in Ukraine).

The case concerns the couple's allegation that they were ill-treated by the police in order to force them into making incriminating statements about a murder.

On 27 June 2008 a man with whom Ms Ushakova's mother was in a judicial dispute over the inheritance of a house was found dead, with multiple stab wounds and his throat cut. The next day the applicants were taken for questioning to the local police station and allege that they were ill-treated. Mr Ushakov alleges that he was tortured – he claims that he was repeatedly beaten, had his genitals twisted, had a gas mask placed over his face and the ventilation blocked – into signing a confession to the murder. His wife alleges that she was also forced into making a statement incriminating her husband, following threats, being hit on the head and having her hair pulled. On 30 June 2008 the couple retracted their statements and complained to the prosecuting authorities that they had been ill-treated. The ensuing investigation into their complaints, dropped and re-opened about eight times, lasted from July 2008 to October 2012 and resulted in the prosecution authorities refusing to institute criminal proceedings against the police officers. Mr Ushakov was ultimately found guilty in January 2013 of murder for profit and sentenced to 14 years' imprisonment with confiscation of all his personal property. The courts based their finding, among other things, on Mr Ushakov's confessions.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), the applicants complain that they were ill-treated by the police and that the ensuing investigation was superficial and lacked independence. Further relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), Mr Ushakov complains that his conviction was based on his self-incriminating statements obtained under duress and without the presence of a lawyer during his initial questioning.

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.

L.O. v. France (no. 4455/14)
'Société Bouygues Construction' and Others v. France (no. 61265/10)
Caporaso and Others v. Italy (nos. 27491/12, 27629/12, 27642/12, 27941/12, 27955/12, 28019/12, 28066/12, and 28081/12)
D'Alba v. Italy (no. 58437/09)
Lo Voi and Others v. Italy (nos. 40353/11, 40359/11, and 40429/11)
Palomba and Others v. Italy (no. 33515/10 and 24 other applications)
Quarto and Others v. Italy (no. 11366/10 and 48 other applications)
Hantz and Kovacs v. Romania (nos. 33245/08 and 36788/08)
Oprea and Others v. Romania (nos. 54966/09, 57682/10, 20499/11, 41587/11, 27583/12, 75692/12, 76944/12, 77474/12, 9985/13, 16490/13, 29530/13, 37810/13, 40759/13, 55842/13, 56837/13, 62797/13, 64858/13, 65996/13, 66101/13, and 15822/14)
Zarubica and Others v. Serbia (nos. 35044/07, 36983/06, and 36984/06)
Soberanía de la Razón and Others v. Spain (no. 30537/12)
Olsoy v. Turkey (no. 75468/10)
Yesilkaya v. Turkey (no. 47157/10)
Pigur v. Ukraine (no. 28943/06)
Radchenko and Others v. Ukraine (no. 21563/09)

Press contacts
echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)
Céline Menu-Lange (tel: + 33 3 90 21 58 77)
Nina Salomon (tel: + 33 3 90 21 49 79)
Denis Lambert (tel: + 33 3 90 21 41 09)

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.