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

Press Release
issued by the Registrar of the Court

ECHR 221 (2015)
02.07.2015

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 12 judgments on Tuesday 7 July 2015 and 49 judgments and / or decisions on Thursday 9 July 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 7 July 2015

Shamoyan v. Armenia (application no. 18499/08)

The applicant, Radif Shamoyan, is an Armenian national who was born in 1955 and lives in Armavir (Armenia).

The case concerns her complaint of having been denied access to the Court of Cassation.

Ms Shamoyan, who is disabled and confined to a wheelchair, brought proceedings against her neighbour, seeking to have a construction for insulation dismantled which he had built inside the entrance of their block of flats, as she was planning to install a ramp for wheelchair access in its place. She was not represented by a lawyer. Later she modified her claim and asked for the construction to be allocated to her, so that she could then install the ramp in its place. A regional court dismissed her claim in July 2007 and the Civil Court of Appeal dismissed her appeal against that decision in September 2007. Ms Shamoyan lodged an appeal on points of law, still not being represented. In November 2007 she was informed by the Court of Cassation that her appeal had not been admitted for examination, as, contrary to the relevant procedural requirements, it had not been lodged by an advocate licensed to act before that court.

Relying in substance on Article 6 § 1 (right to a fair trial – access to court) of the European Convention on Human Rights, Ms Shamoyan complains that she was denied access to the Court of Cassation since – living on a disability pension – she could not afford the services of an advocate licensed to act before that court.

V.M. and Others v. Belgium (no. 60125/11)

The applicants are seven Serbian nationals, a father and mother and their five children. They were born in 1981, 1977, 2001, 2004, 2007 and 2011 respectively and live in Serbia. Their eldest daughter, who was born in 2001 and had been mentally and physically disabled from birth, died in December 2011. The applicants are ethnic Roma and were born in Serbia, where they have lived for most of their lives.

The case concerns this family's conditions of reception in Belgium.

In March 2010 the applicants travelled to France, where they lodged an asylum application, which was rejected. In March 2011 they travelled to Belgium, where they lodged an asylum application. On 12 April 2011 the Belgian authorities forwarded requests to France to take charge of the application. On 6 May 2011 France accepted the request to reconsider the family's application under the European Union Dublin II Regulation. On 17 May 2011 the Aliens Office (OE) issued the applicants with orders to leave Belgian territory for France on the ground that Belgium was not responsible for considering the asylum application under the Dublin II Regulation. On 25 May 2011 the orders to

leave the territory were suspended until 25 September 2011 owing to the mother's pregnancy and imminent confinement.

On 16 June 2011 the applicants submitted to the Aliens' Appeals Board (CCE) a request for the suspension and annulment of the decisions refusing residence rights and the orders to leave Belgian territory. On 22 September 2011 the applicants lodged a request for residence authorisation on medical grounds on behalf of their disabled eldest daughter. The OE turned down their request. On 26 September 2011, on expiry of the suspension of the order to leave the territory, being no longer eligible for material support for refugees, the applicants were expelled from the Saint-Trond reception centre where they had been residing. They travelled to Brussels, where voluntary associations directed them to a public square in the Schaerbeek municipality in the centre of the Brussels-Capital district, together with other homeless Roma families. They remained there until 5 October 2011. On 7 October 2011 they were assigned a new reception centre as a mandatory place of registration in the Province of Luxembourg, 160 km from Brussels. The applicants settled in the Brussels *Gare du Nord* railway station, where they remained for three weeks, before their return to Serbia was organised on 25 October 2011 by a charity working for the Fedasil return programme.

In a judgment of 29 November 2011, the CCE annulled the impugned decisions on the grounds that the OE had not established its legal bases for considering that France was the State responsible for the applicants' asylum application. The Belgian State lodged an appeal on points of law with the *Conseil d'Etat* against the CCE's judgment. In a judgment of 28 February 2013, the *Conseil d'Etat* declared the appeal inadmissible for lack of current interest, given that the applicants had returned to Serbia and that the Belgian State had been released from its obligations under the procedure for determining the Member State responsible for their asylum application.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicants complain that their exclusion from reception centres in Belgium from 26 September 2011 onwards exposed them to mortal risks and inhuman and degrading treatment. Relying on Article 2 (right to life), they complain that the reception conditions in Belgium caused the death of their eldest daughter. Lastly, relying on Article 13 (right to an effective remedy), they complain that they had no access to an effective remedy before the Belgian courts in order to plead that their removal to Serbia and the refusal to regularise their residence status had exposed them to a risk to their eldest daughter's life (Article 2) and the risk of suffering inhuman and degrading treatment (Article 3).

Odescalchi and Lante della Rovere v. Italy (no. 38754/07)

The applicants, Carlo, Federico and Innocenzo Odescalchi, Giulia Odescalchi and Amelia Lante della Rovere, are five Italian nationals who were born in 1954, 1963, 1956, 1963 and 1934 respectively. They all live in Rome. They own a piece of land in Santa Marinella covering a total area of 97,938 m².

The case concerns an expropriation permit relating to the plot of land in question, accompanied by a prohibition on building.

On 12 July 1971 the municipality of Santa Marinella adopted a general development plan which set aside the land in question for a new public park, consequently prohibiting building on the site with a view to its expropriation. The plan was approved by the Region and came into force on 11 February 1975. In accordance with the applicable legislation, the expropriation permit required for the development plan expired in February 1980. Despite the expiry of the permit and the concomitant prohibition on building, the land was not unencumbered. Pending the municipality's decision on the new use to be assigned to the land in question, it was placed under the so-called "white zone" regime, with the accompanying prohibitions on building. The applicants therefore served notice on the authorities to reach a decision and to discontinue the "white zone" regime. In the absence of any reply, they applied to the regional administrative court. The court found that following the expiry of the expropriation permit in 1980 the land in question was subject to a prohibition on building which would continue until the municipality had decided on the new type of development to be assigned

to the land. By a decision of 6 March 2009 the court ordered the municipality of Santa Marinella to reach a decision, and also appointed a special commissioner, a regional official, to act should the municipality fail, in breach of the court order, to reach a decision within 60 days.

On 15 June 2001, the special commissioner reached a decision, renewed the expropriation permit relating to the applicants' land and earmarked the latter for development of a new public park. He invited the municipality to quantify the compensation to be awarded to the applicants. In September 2011 the applicants appealed to the court against that decision. The proceedings are still pending.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain of the duration of the prohibition on building on their land since the date of issue of the expropriation permit.

Kardišauskas v. Lithuania (no. 62304/12)

The applicant, Markas Kardišauskas, is a Lithuanian national who was born in 1979 and is currently serving a 13-year prison sentence in Pravieniškes Prison for several offences, including rape, murder and robbery.

The case concerns his complaint that the authorities failed to ensure his safety in prison and that the investigation into an assault on him in prison was ineffective.

Mr Kardišauskas was found beaten up and unconscious after being attacked by other prisoners in May 2003. Having sustained a serious head injury, he underwent an operation at an emergency hospital on the same day and remained in hospital for three months. He was subsequently declared disabled and was able to work at 90 percent again in February 2008.

On the day of the assault, a pre-trial investigation into the incident was opened. Mr Kardišauskas was questioned in September 2003. He identified a prisoner on a photo as his attacker, but prison records showed that the suspect had not been detained in the same prison on the day in question. The investigators later questioned other prisoners, but the perpetrators of the attack could not be identified. The criminal investigation remains pending.

In October 2010 Mr Kardišauskas brought an action for damages against the State claiming in particular that the authorities had failed to protect him from ill-treatment, and later that they had failed to establish who his assailant was. His claim as to damage to his health was dismissed for having been lodged out of time by a court decision eventually upheld by the Supreme Court in June 2012.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Kardišauskas complains that the prison authorities failed to ensure his safety in prison; that he has not received compensation for the damages he sustained; and that the authorities have failed to conduct an effective investigation into the attack.

Rutkowski and Others v. Poland (nos. 72287/10, 13927/11, and 46187/11)

The applicants, Wiesław Rutkowski, Mariusz Orlikowski, and Aleksandra Grabowska, are Polish nationals who live in Warsaw, Łódź, and Poznań respectively.

The case concerns their complaints that the length of the proceedings before the Polish courts in their respective cases was excessive and that the operation of the remedy at national level for the excessive length of court proceedings was defective. There are about 650 similar cases pending before the Court.

In Mr Rutkowski's case, the complaint concerns criminal proceedings against him on suspicion of participating in an organised criminal group. He was charged with those offences in September 2002 and was eventually acquitted in July 2010.

Mr Orlikowski's and Ms Grabowska's complaints concern two different sets of civil proceedings. Mr Orlikowski lodged a claim for damages against his landlord in March 1999 and in November 2010 an appeal court eventually granted his claim in part. Ms Grabowska joined the proceedings in a civil case in April 2000 which concerned the rights to property she had inherited. In June 2013 an appeal court eventually upheld a decision rejecting her claim.

While their respective proceedings were pending, all three applicants lodged complaints about the length of the proceedings under a law enacted in 2004 providing for remedies for breaches of the right to have a case examined in judicial proceedings without undue delay. Mr Rutkowski was awarded the equivalent of 500 euros (EUR) in compensation. Mr Orlikowski's and Ms Grabowska's complaints were dismissed. As regards the assessment of the length of the proceedings, in both Mr Rutkowski's and Ms Grabowska's case, the courts took into account only the period starting from the date on which the 2004 law had entered into force. In Mr Orlikowski's case, they took into account only the period after the appeal court had quashed the judgment of the first instance court.

Relying on Article 6 § 1 (right to a fair trial / hearing within a reasonable time), all applicants complain that the length of the proceedings in their respective cases was unreasonable. They further complain, under Article 13 (right to an effective remedy), that the national courts defectively applied the 2004 law in that they refused to acknowledge the excessive length of the proceedings and in consequence to grant them appropriate and sufficient just satisfaction.

The case was communicated to the Polish Government for observations on 2 October 2012. The parties were also invited to express their views on whether the case revealed a systemic problem of excessive length of proceedings in Poland as well as ineffective operation of a domestic remedy in that respect and whether the case would be suitable for the Court's pilot-judgment procedure.

Morar v. Romania (no. 25217/06)

The applicant, Ioan T. Morar, is a Romanian national who was born in 1956 and lives in Bucharest.

The case concerns the criminal conviction and civil liability of a journalist working for a satirical weekly for defamation against the political adviser to an electoral candidate.

In February and March 2004 Mr Morar, who is a professional journalist, published several articles in the *Academia Caţavencu* satirical weekly magazine in the context of the 2004 presidential elections. The articles concerned, among others, V.G., who was political adviser to a potential candidate at the time. On 26 April 2004 V.G. lodged a criminal complaint with the court against three journalists from the satirical weekly, including Mr Morar, for defamation. The court acquitted Mr Morar.

On 23 December 2005 the County Court upheld V.G.'s appeal on points of law and sentenced Mr Morar to a criminal fine, suspended. The court further sentenced the journalist to pay civil damages to V.G. for the non-pecuniary damage he had suffered, totalling 10,000 US dollars (USD), plus USD 16,000 in costs and expenses. The company publishing the *Academia Caţavencu* satirical weekly was declared civilly liable jointly and severally with Mr Morar. The County Court held that the journalist had committed defamation by "indirect intention".

Relying on Article 10 (freedom of expression), Mr Morar alleged that his freedom of expression had been impeded. Relying on Article 6 § 1 (right to a fair trial), he complains that he was found criminally liable in proceedings which he describes as unfair, on the grounds that he was granted insufficient time to take cognisance of the documents submitted by the claimant.

M.N. and Others v. San Marino (no. 28005/12)

The applicants, S.G, M.N, C.R., and I.R., are Italian nationals who live in Italy.

The case concerns their complaint about a decision by the San Marino judicial authorities ordering the seizure of banking documents pertaining to the applicants and their lack of access to court to challenge that decision.

In the context of criminal proceedings in Italy in 2009 against several people (not including the applicants) on suspicion of a number of offences – including conspiracy, money laundering, embezzlement, tax evasion and fraud – the Italian prosecutors asked the San Marino authorities for assistance. Following that request, the San Marino first-instance tribunal issued a search and seizure decision in respect of all banks, fiduciary institutions and trust companies in San Marino.

The applicants lodged a complaint before the judge of criminal appeals against the decision to seize documents related to them. In February and June 2011, respectively, that judge declared their complaints inadmissible, as the applicants had no standing to institute such proceedings, and noting that any breach of the rights of a person concerned by the investigation as a result of the execution of the relevant court decision had to be raised before the Italian courts. The applicants' appeals against that decision were rejected in July 2011.

Relying on Article 6 § 1 (right to a fair trial – access to court), the applicants complain that they did not have effective access to court to complain about the decision ordering the seizure of banking documents pertaining to them. They further complain that the measure was in breach of their rights under Article 8 (right to respect for private and family life, the home and the correspondence) and that they did not have an effective remedy in that regard, in breach of Article 13 (right to an effective remedy).

Just satisfaction

Bittó and Others v. Slovakia (no. 30255/09)

The applicants are 21 Slovakian nationals who were born between 1923 and 1977. 20 of them live in Slovakia and one lives in the Czech Republic. The case concerned the applicants' complaints that rent controls on properties owned by them restricted their right to peacefully enjoy their possessions. The applicants are owners or co-owners of residential buildings in Bratislava and Trnava to which the rent-control scheme applied, or has applied. They obtained the ownership of the flats by various means, such as restitution, donation or inheritance from their relatives to whom the flats had been restored. The majority of the applicants acquired ownership in the course of the 1990s. The flats in these houses were mostly occupied by tenants, who paid the new owners a rate of rent regulated by the government and whose eviction was practically impossible. The applicants complained that the rent they received was a fraction of what they would obtain if the flats were made available on the open market. Furthermore, they alleged that the regulated rate of rent was not even sufficient to cover the costs of maintenance and repairs. Relying in particular on Article 1 of Protocol No. 1 (protection of property), the applicants complained that the rent controls had breached their right to peaceful enjoyment of their possessions.

In its principal judgment of 28 January 2014 the Court found a violation of Article 1 of Protocol No. 1 and reserved the question of the application of Article 41 (just satisfaction) for examination at a later date.

The Court will deal with this question in its judgment of 7 July 2015.

Gürtaş Yapı Ticaret Ve Pazarlama A. Ş. v. Turkey (no. 40896/05)

The applicant company, Gürtaş Yapı Ticaret ve Pazarlama A.Ş., is a limited liability company dealing with real estate under Turkish law and is based in Istanbul.

The case concerns the company's claim for pecuniary compensation for the damage caused by an erroneous entry in the land register concerning the area of a piece of land purchased by the company.

The company decided to purchase from private individuals various sections of a plot of land held in joint ownership in Aliağa. During the sale, 49 m² of land was expropriated in order to erect electricity pylons. The land register was amended accordingly, mentioning an area of 485,151 m². On 25 November 1998 the local branch of the Land Registry informed the company, which now owned the land, of an amendment made to the land register owing to an erroneous entry: the actual area of the land purchased was 201,951 m², rather than 485,151 m². The company carried out an on-the-spot inspection and had the land surveyed. Since the total area surveyed tallied with the area as corrected in the land register, it decided not to challenge the correction to the register.

On 29 November 1999 the company applied to the court to declare the State liable for the damage caused by its handling of the land registers. The court considered that the damage suffered by the applicant company had stemmed from mismanagement of the land registers and that the State was therefore liable for it. The court ordered the State to pay the company a sum which corresponded to approximately 45,000 euros (EUR) at the time. The State appealed on points of law against that judgment. The judgment was quashed and the case referred to the court, which this time ruled that the State was not liable, inasmuch as the map accompanying the relevant folio in the land register had shown the actual area of the land, and the applicant company could not have overlooked the difference between the area entered in the folio and that shown on the map. The appeal on points of law lodged by the company was dismissed by the Court of Cassation.

Relying in particular on Article 1 of Protocol No. 1 (protection of property), the applicant company complains of an interference with its right to respect for its property.

Sarıdaş v. Turkey (no. 6341/10)

The applicant, Bayram Sarıdaş, is a Turkish national. He was born in 1962 and lives in Gaziantep.

The case concerns proceedings to challenge a medical assessment before the Supreme Military Administrative Court.

In 2006 Mr Sarıdaş was registered for compulsory military service. He presented the doctors at the neurology service at the GATA Military Hospital with a medical report drawn up on 5 October 2001 by the Institute of Forensic Medicine, indicating that he suffered from Wernicke-Korsakoff syndrome. After having examined the patient and conducted various analyses, the neurologists concluded that Mr Sarıdaş was no longer suffering from the aforementioned illness. He was also subjected to a psychiatric examination, from which the medical officers concluded that Mr Sarıdaş was fit for military service.

Mr Sarıdaş did not challenge the medical decision, but failed to attend the National Service Centre for enrolment. He was declared wanted for desertion.

On 28 August 2007 Mr Sarıdaş applied to the Ministry of Defence for exemption from his military obligations for reasons of unfitness for service. On 28 September 2007 the National Service Centre dismissed that application. On 27 November 2007 Mr Sarıdaş brought proceedings against the Ministry of Defence before the Supreme Military Administrative Court and requested a medical assessment from the Health Board of the GATA Military Hospital. The Health Board, which comprises 12 military doctors, issued its provisional report on 3 July 2008, concluding with a declaration that Mr Sarıdaş was fit for military service.

Mr Sarıdaş was never sent the copy of the Health Board's final report which he had requested. Appearing before the Supreme Military Administrative Court, Mr Sarıdaş complained of the fact that he had not received the report, contending that the Military Hospital Health Board was neither independent nor impartial. He argued that a medical report should be commissioned from a university hospital or the Institute of Forensic Medicine. At the close of a hearing on 2 July 2009 the Supreme Military Administrative Court dismissed Mr Sarıdaş' requests on the basis of the medical assessments issued by the GATA Military Hospital.

Relying on Article 6 § 1 (right to a fair trial), Mr Sarıdaş submits that he did not benefit from a fair hearing before the Supreme Military Administrative Court. He complains of the failure to forward the final report prepared by the GATA Military Hospital Health Board, alleging that this had deprived him of the opportunity to respond to the findings of that report before challenging them.

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.

Davidovs v. Latvia (no. 45559/06)
Morari and Spiridonov v. the Republic of Moldova (nos. 4771/09 and 7170/09)

Thursday 9 July 2015

Mafalani v. Croatia (no. 32325/13)

The applicant, Amir Mafalani, is a Croatian national who was born in 1982 and is currently serving a 16-year prison sentence in Lepoglava (Croatia).

The case concerns his complaint of having been ill-treated by the police.

In November 2010 Mr Mafalani was convicted of having aided and abetted the murder of a journalist and another person who had both been killed by a car bomb in October 2008. His conviction was upheld in February 2012.

According to Mr Mafalani's submissions, when arrested in his flat by an antiterrorist team of the special police on 29 October 2008 the officers threw him on the floor and punched his head and body. Following his arrest he was blindfolded and taken to a remote place where he was again beaten and his head was immersed in water, which forced him into confessing to the murder. During his subsequent detention at a police station until the following evening he was tightly constrained, beaten and threatened into not complaining about his injuries – contusion and haematoma – which had been recorded by the emergency service when they came to the police station.

According to the Croatian Government, the police's antiterrorist team had ordered Mr Mafalani to lie down when they arrested him and they had applied a 'foot sweep' technique when he resisted, causing him to fall and hit his head on a table. Following his arrest he was put in a minivan and taken to the police station, where he was kept in an office, not handcuffed except just after his arrival.

Mr Mafalani lodged a criminal complaint against unidentified persons alleging ill-treatment during his arrest and detention at the police station, which was eventually rejected in March 2014 for lack of a reasonable suspicion that a criminal offence had been committed. Civil proceedings brought by Mr Mafalani against the State claiming damages in connection with his alleged ill-treatment are still pending.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Mafalani complains of ill-treatment by the police and of the lack of an effective investigation in that respect.

Tolmachev v. Estonia (no. 73748/13)

The applicant, Kirill Tolmachev, is an Estonian national who was born in 1990 and lives in Narva (Estonia).

The case concerns the national courts' refusal to examine his complaint against a misdemeanour fine as he was absent from the hearing.

Mr Tolmachev was fined 80 euros (EUR) by a police officer in September 2012 for a breach of public order after having allegedly broken the glass panel of a bus shelter. Mr Tolmachev contested the decision to fine him before the county court, but did not appear at the court hearing held in March 2013, as he was living abroad. His counsel was present and asked the court to examine the matter in Mr Tolmachev's absence, which the court refused. Mr Tolmachev's appeal against that decision was dismissed in May 2013.

Mr Tolmachev complains that his complaint was not examined by the court because of his absence, in breach of his right to defend himself through counsel under Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing).

R.K. v. France (no. 61264/11)

The applicant is a Russian national. He was born in 1985 and lives in Mesnil Amelot.

The case concerns a procedure for returning a Russian of Chechen origin to the Federation of Russia.

R.K. lived in Grozny, where the Russian authorities had suspected three of his cousins of having participated or collaborated in numerous attacks in Chechnya. The authorities considered that R.K. had himself also helped his cousins. In 2002 two of them had disappeared. In 2003 R.K. was arrested and violently interrogated by the police on his activities and links with his cousins. He had been struck in the face and body. R.K. also stated that he had been struck and interrogated once again for four days in March 2004. He had then been released after his father had paid a ransom. He had left Chechnya once at the beginning of summer 2004 and then again in November 2006, arriving in France.

R.K. applied for asylum on 26 June 2007, but the French Office for the Protection of Refugees and Stateless Persons (OFPRA) rejected his application. On 21 January 2010 the Prefect of the Bas-Rhin Department served him with a refusal of residence and an order to leave French territory. On 28 February 2011 the Prefect of the Val-de-Marne Department served him with a removal order, fixing the Russian Federation as the country of destination. However, on 5 October 2011 the European Court of Human Rights decided to indicate – under Rule 39 of its rules of Court (interim measures) – to the French Government not to remove R.K. to the Russian Federation for the duration of proceedings before the Court.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicant alleges that returning him to the Russian Federation would expose him to a risk of treatment contrary to the provisions of that Article.

El Khoury v. Germany (nos. 8824/09 and 42836/12)

The applicant, Boutros Yaacoub El Khoury, is a Lebanese national who was born in 1977. At the time of lodging his applications he was detained in Berlin's Moabit prison.

The case concerns his detention on remand and the criminal proceedings against him.

Mr El Khoury was arrested in Portugal in August 2006 and extradited to Germany in September 2006 where arrest warrants had been issued against him on suspicion of two counts of drug trafficking and forgery of documents. He was remanded in custody where he was mostly kept in isolation from other prisoners. His detention on remand was subsequently extended on several occasions on the ground that there was a high risk of absconding. His requests to lift the arrest warrant were rejected. In September 2009 he was convicted as charged and sentenced to six years' imprisonment. His appeal against that judgment was rejected and the Federal Constitutional Court eventually declined to consider his constitutional complaint in January 2012.

Relying on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial), Mr El Khoury complains that the length of his detention on remand was

excessive. He further complains, under Article 6 § 1 (right to a fair trial within a reasonable time), Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses), that the length of the criminal proceedings against him was unreasonable and that the proceedings were unfair as neither he nor his representative had the opportunity to question the main witness against him at any stage of the proceedings.

"Home of Macedonian Civilisation" v. Greece (no. 1295/10)

The applicants are an association called "Home of Macedonian Civilisation" and seven Greek nationals representing the association.

The case concerns the Greek authorities' refusal to officially register the existence of the association "Home of Macedonian Civilisation", whose primary purpose is to promote and develop Macedonian civilisation and its traditions.

On 12 June 1990 the members of the association's provisional board of management applied to the Florina Regional Court to register their association in accordance with Article 79 of the Civil Code. This application was dismissed in a decision which was upheld by the Thessaloniki Court of Appeal and the Court of Cassation. The facts of this case are set out in the Sidiropoulos and Others v. Grèce judgment of 10 July 1998 (http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58205). In that judgment the Court found a violation of Article 11 of the Convention on the grounds of the refusal to register the association.

On 19 June 2003 two of the applicants decided to re-establish the "Home of Macedonian Civilisation" association, together with other persons, basing it in Florina.

On 24 July 2003 the association applied with the Florina Regional Court for registration. On 19 December 2003 that court dismissed the application on the grounds that the expression "Macedonian civilisation" used in the association's statutes was liable to cause confusion. The court held that the word "Macedonian" could only be used in an historic or geographical sense. The court considered that there was a risk to public order because the existence of the association might be exploited by persons wishing to promote the creation of a Macedonian nation, which had never existed historically.

On 15 September 2004 the association appealed, alleging that the decision had flouted the *Sidiropoulos and Others* judgment cited above. On 16 December 2005 the Court of Appeal upheld that decision. The latter court considered that the applicants had raised questions devoid of purpose on "the Macedonian civilisation and language". The use of the word "Macedonian" and the purpose proclaimed in the association's statutes were at variance with public order and jeopardised the harmonious coexistence of the population of the Florina region and public law and order in Greece. The Court of Cassation dismissed the applicants' appeal on points of law.

Relying in particular on Articles 11 (freedom of assembly and association) and 46 (binding force and execution of judgments), the applicants complain of the dismissal of their application for registration.

Martzaklis and Others v. Greece (no. 20378/13)

The applicants are 13 Greek nationals. They are HIV positive persons with an invalidity rate of over 65 % who were or are detained in the Aghios Pavlos hospital – in the psychiatric ward - of Korydallos prison.

The case concerns the conditions of detention of these HIV positive persons in the psychiatric ward of the Korydallos prison hospital.

In a petition sent on 5 October 2012 to the supervising prosecutor responsible for the Korydallos prison, 45 HIV positive persons detained in the Aghios Pavlos hospital, including the 13 applicants,

complained of their conditions of detention. They highlighted the situation of overcrowding, the unsupervised admission of new patients, and the fact that they were detained with other persons suffering from contagious diseases who should have been confined to individual cells. The washing machine was out of order, despite the fact that their clothes should have been washed every day at a high temperature, and they were not allowed to touch the bars through which the nurses delivered their medication in order to prevent any risk of infection. The HIV positive prisoners, including the applicants, also complained to the prison hospital board, but received no reply.

The applicants submit that the cells are overcrowded and that personal living space is restricted to less than 2m² per person, the bathrooms do not comply with minimum hygiene standards, the food is low in nutritional value, the premises have insufficient heating, the air is polluted by tobacco smoke and none of the doctors present is a specialist in infectious diseases.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), taken alone or in conjunction with Article 14 (prohibition of discrimination), the applicants complain of their conditions of detention in the Aghios Pavlos hospital in the Korydallos prison, their "ghettoisation" in a separate wing of the hospital and the authorities' failure to consider whether those conditions are compatible with their state of health. Relying on Article 3, taken alone or in conjunction with Article 13 (right to an effective remedy), they complain of the lack of access to an effective domestic remedy enabling them to complain of their conditions of detention and their medical treatment in the prison hospital. Relying on Article 3 in conjunction with Article 14, they complain of discriminatory treatment between the HIV positive prisoners convicted under a judicial decision and the HIV positive persons who are remanded in custody.

A.K. v. Liechtenstein (no. 38191/12)

The applicant, A.K., is a German national who was born in 1970 and lives in St. Gallenkappel, Switzerland.

The case concerns his complaint that the judges of the Liechtenstein Constitutional Court who decided on his case were not impartial.

Since 2004 A.K. had been involved in legal disputes with another person, F.H., concerning the property rights in shares in two companies registered in Liechtenstein. In December 2009 the regional court issued an interim injunction following a request by F.H., prohibiting the Real Property and Commercial Registry from registering certain changes concerning one of the companies which had been decided upon in an extraordinary shareholders' meeting. Notably, at that meeting F.H. had been voted out of his office as a member of the supervisory board and A.K. had been elected managing director of the company. After the injunction had been quashed by the appeal court, the regional court issued a fresh identical interim injunction in July 2010. A.K.'s second appeal against the order was dismissed.

A.K. lodged a constitutional complaint against that decision in October 2010. In November 2011 he was informed that five judges of the Constitutional Court would deliberate on his complaint in private. A.K. then lodged motions for bias against all five judges on numerous grounds. He alleged in particular that some of the judges had in the past taken decisions to his disadvantage in related proceedings, had delayed the assignment of his case and had discriminated against German nationals. Ten days after A.K.'s submissions, on 28 November 2011, his motions for bias were dismissed by the Constitutional Court, composed of the five judges against whom the motions had been directed. In December 2011 the Constitutional Court allowed A.K.'s constitutional complaint in so far as he had complained about the unreasonable length of the proceedings and dismissed the remainder of the complaint.

Relying on Article 6 § 1 (right to a fair trial), A.K. complains that the five judges who had been called upon to decide his case were not impartial for the reasons he set out before the Liechtenstein

Constitutional Court and because each of the challenged judges took part in the decisions on the motions for bias against the respective other four judges.

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.

Dimitrova v. Bulgaria (no. 12412/13)
H.P. v. Croatia (no. 45599/13)
M.B. v. Croatia (no. 24488/13)
Bregadze v. Georgia (no. 21785/10)
Kvarelashvili v. Georgia (no. 28987/08)
Cardillo v. Italy (no. 50829/06)
Esposito and Others v. Italy (nos. 10944/09, 11580/09, 16138/09, 16191/09, and 34190/09)
Fortunato and Others v. Italy (no. 13826/11 and 28 other applications)
ICA Imprese Cooperative Associate and Others v. Italy (nos. 18786/09, 18789/09, 51311/09, 51337/09, 51366/09, 51482/09, 51483/09, 51486/09, 11630/10, and 17541/10)
Samueli and Others v. Italy (no. 71815/10 and 32 other applications)
Mocanu v. the Republic of Moldova (no. 14566/14)
E.T. v. the Netherlands (no. 46563/14)
Othymia Investments B.V. v. the Netherlands (no. 75292/10)
Van Weerelt v. the Netherlands (no. 784/14)
Kazimierczuk v. Poland (no. 63294/12)
Kopytowski v. Poland (no. 59472/11)
N. v. Poland (no. 68221/12)
Rudnik v. Poland (no. 72872/12)
Saj v. Poland (no. 10920/12)
Sieranski v. Poland (no. 21868/12)
Sobala v. Poland (no. 36615/09)
Bârţă and Others v. Romania (nos. 17965/12, 34193/12, 34831/12, 41957/12, and 60120/12)
Calbaza v. Romania (no. 41515/09)
Ciuca and Others v. Romania (nos. 47025/08, 55412/12, 28893/13, and 54878/13)
Dragos Mihai Ionescu and Others v. Romania (nos. 26380/11, 54908/11, 1167/12, 25438/12, 40345/12, 73378/12, 41739/13, 55943/13, 58358/13, and 59643/13)
Marcov v. Romania (no. 30065/09)
Mihaila and Others v. Romania (nos. 75741/13, 76408/13, and 6350/14)
'Otto Wolff Handelgesellschaft GmbH' and Others v. Romania (nos. 53877/10, 54960/10, 20668/11, 23501/11, 26119/11, 26957/11, 36233/11, 37948/11, 13089/12, and 69693/13)
Teoharide v. Romania (no. 28811/09)
'S.C. Blandul Ben CM S.R.L.' and Others v. Romania (nos. 3681/04, 13746/05, 25424/06, 33998/06, 36636/06, 50357/06, 12860/12, and 29260/12)
'S.C. Fortuna 2000 International S.R.L.' and Others v. Romania (nos. 38021/13, 39336/13, 75851/13, and 76906/13)
Stoian and Others v. Romania (nos. 73725/12, 8490/14, and 10820/14)
Zanfirescu and Others v. Romania (nos. 6842/14, 6847/14, 7492/14, 7801/14, 10964/14, and 11624/14)
Durdevic v. Serbia (nos. 45928/08 and 57662/08)
Misovic and Others v. Serbia (no. 8170/12 and 26 other applications)
Buzinger v. Slovakia (no. 32133/10)
Nikolov v. Slovakia (no. 43096/12)

Bellid v. Spain (nos. 32336/12 and 32340/12)
Ayar and Kuzu v. Turkey (nos. 70676/11 and 60244/12)
Celik v. Turkey (no. 23772/13)
Gultekin v. Turkey (no. 19449/08)
Topcu v. Turkey (no. 49871/10)

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