



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 14 judgments on Tuesday 3 May 2011 and 3 on Thursday 5 May 2011.

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

Tuesday 3 May 2011

[Giosakis v. Greece \(No. 3\) \(application no. 5689/08\)](#)

The applicant, Iakovos-Pavlos Giosakis, is a Greek national who was born in 1965 and lives in Athens. In 2003 proceedings were brought against him for misappropriation of highly valuable ecclesiastical antiques and objects to the detriment of the State. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) of the European Convention on Human Rights, he complains about the allegedly excessive length of the criminal proceedings against him. Relying on Article 6 §§ 1 and 3 a) and b), he alleges that he was not duly informed of the nature of, and the reasons for, the charges against him, as the Court of Cassation extended the charge of misappropriation to one of theft. He further alleges that this measure and the reasons for which he was refused compensation for his detention pending trial were contrary to Article 6 § 2 (presumption of innocence).

[Negreptontis-Giannisis v. Greece \(no. 56759/08\)](#)

The applicant, Nikolaos Negreptontis-Giannisis, is a Greek national who was born in 1964 and lives in Athens. In 1984, when he was a student living with his uncle, an Orthodox bishop, in the United States, he and his uncle initiated adoption proceedings for his uncle to adopt him. The United States authorities pronounced the adoption in 1984. Relying on Articles 6 § 1 (right to a fair hearing), 8 (right to respect for private and family life and the home) and 14 (prohibition of discrimination) of the Convention, and on Article 1 of Protocol No. 1 (protection of property), he complains about the refusal of the Greek courts to give effect in Greek law to the American authorities' decision allowing the adoption, on the grounds, *inter alia*, that such an adoption by a man of the cloth was contrary to public policy.

[Paratheristikos Oikodomikos Synetairismos Stegaseos Ypallilon Trapezis Tis Ellados v. Greece \(no. 2998/08\)](#)

The applicant, Paratheristikos Oikodomikos Synetairismos Stegaseos Ypallilon Trapezis Tis Ellados, is an association of employees of the Bank of Greece, set up for the sole purpose of building a holiday centre for the Bank's employees on a large tract of land it acquired for that purpose in 1966. Relying on Article 1 of Protocol No. 1 (protection of property), it complains that the authorities changed the status of the land concerned, restricting the use that could be made of it and prohibiting the construction of the holiday homes featured on the plans. Relying in addition on Articles 6 § 1 (right to a fair hearing within a reasonable time) and 13 (right to an effective remedy), it complains about the allegedly excessive duration of the relevant proceedings before the Supreme Administrative Court.

[Apanasewicz v. Poland \(no. 6854/07\)](#)

The applicant, Helena Apanasewicz, is a Polish national who was born in 1934 and lives in Gostyń (Poland). Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), she complains on the one hand about the failure to enforce a final judgment of 2001 ordering the owner of a concrete production plant next door to her property to cease its activity and, on the other, about the length of the civil proceedings in which that judgment was pronounced. Relying on Article 8 (right to respect for private and family life), she further submits that the Polish State failed to protect her against her neighbour's activity.

[Andrei Iulian Roşca v. Romania \(no. 37433/03\)](#)

The applicant, Andrei Iulian Roşca, is a Romanian national who was born in 1973 and lives in Bucharest. Relying on Article 6 §§ 1 and 3 d) (right to a fair trial), he complains of various irregularities in the proceedings that led to his final conviction in 2003 for drug trafficking.

[Sipoş v. Romania \(no. 26125/04\)](#)

The applicant, Maria Sipoş, is a Romanian national who was born in 1949 and lives in Bucharest. She is a journalist, writer and translator. In 2002, when she was making and presenting a television programme for the Romanian Television Company (SRTV) called "Event", which was aired on the national public channel *Romania 1*, she was dismissed. Relying on Article 8 (right to respect for private and family life), she complains about a press release issued by SRTV at the time questioning her judgment, presenting her as a victim of political manipulation and referring to family problems and her allegedly conflictual relations with her colleagues.

[Todireasa v. Romania \(no. 35372/04\)](#)

The applicant, Gheorghe Costică Todireasa, is a Romanian national who was born in 1959 and is currently in detention in Bucharest-Jilava prison. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he complains about the poor conditions of detention in the prison, including overcrowding, deplorable hygiene and the presence of rats, lice, fleas and other insects.

[Kerimova and Others v. Russia \(nos. 17170/04, 20792/04, 22448/04, 23360/04, 5681/05 and 5684/05\)](#) [Khamzayev and Others v. Russia \(no. 1503/02\)](#)

The applicants in the first case are 19 Russian nationals, who are residents of the town of Urus-Martan (Chechen Republic); and, in the second case, three Russian nationals, one of whom has since died, who own property in Urus-Martan. Both cases concern air raids on Urus-Martan in October 1999 following a Russian military counter-terrorism operation, the Government suspecting that the town was occupied by Islamic extremists (Wahhabis). The applicants complain that the air raids killed eight of their relatives, led to civilian casualties, put their own lives at risk and severely damaged their homes. They also allege that the official investigation into the raids was ineffective. They rely in particular on Article 2 (right to life), Article 8 (right to respect for private and family life and the home) and Article 1 of Protocol No. 1 (protection of property).

[Shokkarov and Others v. Russia \(no. 41009/04\)](#)

The four applicants in this case are the parents and wives of two brothers, Visadi and Visita Shokkarov, born in 1972 and 1966, respectively. Visadi, living at the time in the Satsita camp for the internally displaced with the rest of the Shokkarov family, was arrested and detained on remand in January 2003 on suspicion of murdering two local administration officials. He died in February 2003 when the Russian security services car

in which he was being taken to the scene of the murder to participate in a crime reconstruction fell into a ditch and exploded. His co-accused was also killed; the driver survived. While waiting along with the rest of the family outside the local police station where his brother had been taken on the day of his arrest, Visita was asked to accompany some men in civilian clothes into the building; he has not been seen since. The applicants allege that the brothers were killed by Russian servicemen and that the investigations into their allegations were ineffective. They rely in particular on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security).

[Sutyagin v. Russia \(no. 30024/02\)](#)

The applicant, Igor Sutyagin, is a Russian national who was born in 1965 and was a former head of department at the Russian Academy of Science in Obninsk (Russia). In October 1999, criminal proceedings were brought against him for espionage and he was placed in detention on remand. He was accused of having passed on secret military information. Convicted in April 2004, he was sentenced to 15 years' imprisonment in a correctional colony. He was subsequently released in July 2010 as part of an exchange of prisoners between Russia and the United States. He was taken to London, where he currently lives. He complains about the excessive length of his detention on remand and of the criminal proceedings against him. He also alleges that his trial court was not lawful, independent and impartial and that the proceedings against him were unfair in view of the refusal to examine certain evidence and expert witness accounts which could allegedly have helped him to prove that the information he had given did not contain State secrets. He relies on Article 5 § 3 (right to liberty and security) and Article 6 §§ 1 and 3 (d) (right to a fair trial within a reasonable time and right to obtain attendance and examination of witnesses). He also complains that his rights under Article 7 (no punishment without law) and Article 10 (freedom of expression) were violated by the criminal proceedings against him.

[Stavebná spoločnosť TATRY Poprad, s.r.o. v. Slovakia \(no. 7261/06\)](#)

The applicant, Stavebná spoločnosť TATRY Poprad, s.r.o., is a limited liability company based in Poprad (Slovakia). The case concerns the applicant company's complaint about the unfairness of proceedings in which it sued another company for an outstanding sum owed to it for the construction of a spa building. In particular the company alleges that the domestic courts decided to dismiss their claim – on the basis that the relevant part of the contract permitting the defendant to retain a part of the payment was valid – on evidence not included in the case file and without considering the applicant company's arguments or giving reasons. The company relies on Article 6 § 1 (right to a fair hearing/access to a court) and Article 13 (right to an effective remedy).

Repetitive cases

The following cases raise issues which have already been submitted to the Court.

Bielski v. Poland and Germany (no. 18120/03)

Chernyshov v. Poland (no. 35630/02)

These cases concern the applicants' complaints about the excessive length of their pre-trial detention. They rely on Article 5 § 3 (right to liberty and security).

Thursday 5 May 2011

[Société Métallurgique Liotard Frères v. France \(no. 29598/08\)](#)

The applicant, the Société Métallurgique Liotard Frères metal company, is a legal entity under French law based in Saint-Pierre-des-Corps (France). Suspected of anti-

competitive practices, it was subjected in 2006 to court-authorised administrative searches and seizures. Relying on Article 6 § 1 (right of access to a court), it alleges that there was no effective judicial review of the lawfulness of the decision authorising the searches and the measures taken on that basis. Relying on Article 8 (right to respect for the home), it further submits that the searches and seizures violated its right under that provision.

Editorial Board of *Pravoye Delo* and *Shtekel v. Ukraine* (no. 33014/05)

The applicants are the editorial board of *Pravoye Delo*, a local newspaper in Odessa (Ukraine), and its editor-in-chief, Leonid Isaakovich Shtekel, a Ukrainian national who lives in Odessa. The case concerns defamation proceedings brought against the applicants following their publication in September 2003 of a letter downloaded from the Internet alleging that senior local officials were corrupt and involved with the leaders of an organised criminal gang. The courts ruled against the applicants and ordered them to publish an apology and pay 2,400 Ukrainian hryvnias (approximately 33,060 euros), eventually waived via a friendly settlement. The applicants rely on Article 10 (freedom of expression).

Ilyadi v. Russia (no. 6642/05)

The applicant, Yuriy Ilyadi, is a Russian national who was born in 1951 and lives in Krasnodar (Russia). The case concerns Mr Ilyadi's complaint about the conditions of his detention between August 2003 and December 2004 on charges of selling a forged promissory note. He relies on Article 3 (prohibition of inhuman or degrading treatment). He also alleges that he was not given the opportunity to examine at trial the witness – a police captain who posed as the purchaser of the promissory note – on whose statement his conviction was based, in breach of Article 6 § 1 (right to a fair trial).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.