



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 21 judgments on Tuesday 5 April 2011 and one on Thursday 7 April 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 5 April 2011

[Rahimi v. Greece \(application no. 8687/08\)](#)

The applicant, Eivas Rahimi, is an Afghan national who was born in 1992 and currently lives in Athens. Following the death of his parents in the armed conflicts in Afghanistan, he left the country in 2007 and went to Lesbos (Greece), where he was arrested and placed in the Pagani detention centre, pending an order for his removal. On being notified of that order he was released and instructed to leave Greece within 30 days. He remained homeless for several days before being taken in by an association, in whose hostel in Athens he is still living. His application for political asylum is pending. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the European Convention on Human Rights, the applicant complains about a lack of support adapted to his age (being a minor) and about the fact that he was not accompanied on his arrest, on his placement in detention or after his release. He also complains about the conditions in the Pagani detention centre - alleging among other things that he had to eat on the floor and that he was not allowed contact with the outside world - and about the fact that he was placed with adults. Under Article 5 §§ 1, 2 and 4 (right to liberty and security) he complains that his status as a minor illegally residing in the host country was constantly disregarded and that he was not informed of the reasons for his arrest or of any remedies in that connection.

[Sarigiannis v. Italy \(no. 14569/05\)](#)

The applicants, Georges Sarigiannis and his son François, are two French nationals who were born in 1948 and 1983. When they lodged their application they were living in Franconville (France). On their arrival at Fiumicino airport (Italy) the police checked their identity and held them on their premises for two-and-a-half hours. Relying on Article 5 § 1 (right to liberty and security) and Article 3 (prohibition of inhuman or degrading treatment) of the Convention, they allege that their detention was arbitrary and that they were handcuffed and hit in the face.

[Toumi v. Italy \(no. 25716/09\)](#)

The applicant, Ali Ben Sassi Toumi, is a Tunisian national who was born in 1965 and lives in Benevento (Italy). He is married to an Italian national and has three children. He was sentenced in 2007 to six years in prison for international terrorism and was granted early release on 18 May 2009. His removal to Tunisia was ordered that very day. At the applicant's request the European Court of Human Rights, under Rule 39 of the Rules of Court, indicated to the Italian Government that they should not remove him until further notice, in the interest of the parties and the conduct of the proceedings. On 20 May, when the applicant had been taken to the Crotone detention centre with a view to his

removal and the Registry of the European Court of Human Rights had intervened, the Justice of the Peace of Crotone ordered a 30 day stay of execution of the removal order. In spite of a second intervention by the Registry, the removal order was executed on 2 August 2009, after the Italian authorities had obtained diplomatic assurances from Tunisia: respect for the applicant's dignity, guarantee of a fair trial and of the right to receive visits and medical treatment. The applicant claims that he was arrested on his arrival in Tunisia, tortured during his detention, and released on an undertaking to remain silent, and that he has continually been threatened by the police. Relying on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life and the home) and 34 (right of individual application), the applicant complains about his removal to Tunisia and about the Italian Government's failure to comply with the interim measure indicated by the European Court of Human Rights.

[Gera de Petri Testaferrata Bonici Ghaxaq v. Malta \(no. 26771/07\)](#)

The applicant, Agnes Gera de Petri Testaferrata Bonici Ghaxaq, is a Maltese national who was born in 1949 and lives in Balzan (Malta). The case concerns an order issued by the Government in 1958 taking control of property she owns in Valetta subject to payment of annual compensation. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy), the applicant complains about the excessive length – more than 30 years – of the ensuing proceedings and that, although the Constitutional Court eventually found a breach of her property rights, she was not granted compensation.

[Nelissen v. the Netherlands \(no. 6051/07\)](#)

The applicant, Rafael Hubertus Simon Nelissen, is a Netherlands national who was born in 1968 and lives in Maastricht (the Netherlands). Suffering from paranoid schizophrenia and a pathological collector of obituary cards, Mr Nelissen was convicted of theft preceded by violence for having hit a woman who refused to give him the obituary card of her sister who had just died. He was sentenced to seven months' imprisonment and an order was issued for his confinement in a custodial clinic. Relying in particular on Article 5 § 1 (right to liberty and security), Mr Nelissen complains that, instead of being transferred to a custodial clinic on completion of his sentence, he continued to be detained for a further year and one month.

[Kijowski v. Poland \(no. 33829/07\)](#)

The applicant, Bogusław Kijowski, is a Polish national who was born in 1966 and lives in Kraków (Poland). Relying on Article 8 (right to respect for private and family life and the home), he complains about the domestic authorities' failure to enforce decisions concerning residence and contact in respect of his two sons following the breakdown of his marriage with their mother in 2002.

[Akbar v. Romania \(no. 28686/04\)](#)

The applicant, Bareie Tabari Akbar, is an Iranian national who was born in 1963 and is currently serving a sentence in Bucharest-Rahova prison. He was arrested in 2000 for dealing in heroin and sentenced in 2001 to 11 years' imprisonment for drug trafficking. Relying on Article 3 (prohibition of inhuman or degrading treatment) he complains that he was hit with a baseball ball by police officers during his arrest and that his criminal complaint in that connection was unsuccessful. He further complains about the conditions of his detention in prison – in particular the overcrowding, with 14 detainees for six beds, the lack of heating, his placement with inmates who smoke – and the failure to provide him with medical treatment adapted to his back complaint.

Just satisfaction

Bălaşa v. Romania (no. 21143/02)

The applicant, Ion Bălaşa, is a Romanian national who was born in 1941 and lives in Piteşti (Romania). Following the fall of the Communist regime, he obtained through the courts the restitution of a plot of land, but that decision was annulled in 2001. In a judgment of 20 April 2010, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) on account of the annulment of the applicant's title to five hectares of land. The Court also found a violation of Article 6 § 1 (right to a fair hearing). The question of the application of Article 41 (just satisfaction) will be decided in the judgment to be given on 5 April 2011.

Nikolay Fedorov v. Russia (no. 10393/04)

The applicant, Nikolay Fedorov, is a Belarus national who was born in 1973 and is currently detained in Tver Remand Centre (Russia). The case concerns his allegation that he was ill-treated – beaten with a truncheon, strangled and punched in the face – in June 2003 during his detention on remand on charges of armed robbery in Smolensk. He also complains that the ensuing investigation into his allegations was inadequate. He relies on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 § 1 (right to a fair trial).

Vasyukov v. Russia (no. 2974/05)

The applicant, Aleksandr Vasyukov, is a Russian national who was born in 1973 and lives in Oryol (Russia). Found guilty of murder and sentenced to 12 years' imprisonment in 1997, Mr Vasyukov alleges that he contracted tuberculosis during his detention and that, because the diagnosis of his illness was delayed, he was denied adequate medical care. He relies in particular on Article 3 (prohibition of inhuman or degrading treatment).

Fatih Taş v. Turkey (no. 36635/08)

The applicant, Fatih Taş, is a Turkish national who was born in 1979 and lives in Istanbul. He is the proprietor and publication director of the Aram publishing house. In 2004 he published a book in which a former member of the illegal organisation PKK (Kurdistan Workers' Party) talks about the methods used by State agents to combat terrorism, especially in the early 1990s. Relying on Article 10 (freedom of expression), the applicant complains that he was fined 440 Turkish liras (about 250 euros at the time) for publishing the names of those agents, including sometimes their current positions, some being officers, executives, or high-ranking politicians. Under Articles 6 § 1 (right to a fair hearing within a reasonable time) and 13 (right to an effective remedy), he also complains that the criminal proceedings against him were excessively long and that he had no remedy by which to submit that complaint.

Şaman v. Turkey (no. 35292/05)

The applicant, Sultan Şaman, is a Turkish national who was born in 1974, and at the time of lodging her application was serving a six year and three month prison sentence in Buca Prison (Turkey) for membership of an illegal organisation, the PKK/KONGRA-GEL (the Kurdistan Workers' Party). Relying on Article 6 § 3 (c) and (e) and Article 6 § 1 (right to a fair trial), Ms Şaman complains that, being of Kurdish origin with limited comprehension of Turkish and illiterate, she was denied access to a lawyer and an interpreter during her police custody.

Just satisfaction

Yıldırım v. Turkey (no. 21482/03)

The applicant, Zekeriyeye Yıldırım, is a Turkish national who was born in 1939 and lives in Ankara. In a judgment of 24 November 2009, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) on account of the demolition of Mr Yıldırım's house by the local authorities – on the grounds that it was an illegal construction and posed a threat to public health and the environment – without compensation. The question of the application of Article 41 (just satisfaction) will be decided in the judgment to be delivered on 5 April 2011.

Repetitive cases

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

Anufriyev v. Russia (no. 32215/05)

Kirilenko v. Russia (no. 38597/04)

Kravtsov v. Russia (no. 39272/04)

These cases concern the applicants' complaints that the domestic authorities failed to enforce final judgments in their favour, and, in the case of **Kirilenko**, the subsequent quashing of the judgment by way of supervisory review. All the applicants rely on Article 6 § 1 (right to a fair hearing). With the exception of the applicant in the case of **Kravtsov**, they also rely on Article 1 of Protocol No. 1 (protection of property).

Sudan and Others v. Turkey (no. 48846/07, 37741/08, 37466/09, 41803/09, 43598/09 and 47269/09)

This case concerns the applicants' complaints concerning the excessive length of their pre-trial detention on a charge of belonging to an illegal armed organisation as well as of the criminal proceedings against them. They rely on Article 5 § 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time).

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of non-criminal proceedings.

Karadanis v. Greece (no. 58433/09)

Kokkinatos v. Greece (no. 46059/09)

Pesmatzoglou and Pesmatzoglou-Fitsioulas v. Greece (no. 6130/09)

Özakıncı v. Turkey (no. 10182/04)

Thursday 7 April 2011

Kalyuzhna v. Ukraine (no. 16443/07)

The applicant, Larysa Mykhaylivna Kalyuzhna, is a Ukrainian national who was born in 1949 and lives in Zaporizhzhya (Ukraine). Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 8 (right to respect for private and family life), Ms Kalyuzhna complains about the excessive length of proceedings concerning disputes over property with her ex-husband and brothers.

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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.