



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 16 judgments on Tuesday 8 February 2011 and 31 on Thursday 10 February 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 8 February 2011

Just satisfaction

[Plalam S.P.A. v. Italy \(application no. 16021/02\)](#)

The applicant is a company based in Ascoli Piceno. It specialises in manufacturing. In its judgment of 18 May 2010, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights concerning a law – to the company's detriment – which ruled out the adjustment of grants to companies investing in southern Italy if, in the course of their work, there was an increase in the investment. It further decided that the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision and reserved it for a future date. This question will be decided in the judgment to be delivered by the Court on 8 February 2011.

[Seferovic v. Italy \(no. 12921/04\)](#)

The applicant, Mediha Seferovic, is from Bosnia-Herzegovina and is of Roma ethnic origin, who was born in 1979 and was living in Rome in a travellers' camp at the time she lodged her application. In 2000, fearing discrimination and persecution in the event of her return to Bosnia-Herzegovina, she applied to the Italian authorities for refugee status. In 2003 she was placed in a holding centre pending removal, after being issued with an order to leave the country. Relying on Article 5 §§ 1 (f) and 5 (right to liberty and security), she complains about the length of time she spent in the holding centre and, under Article 13 (right to an effective remedy), about the lack of a remedy in Italy to have that complaint examined.

[Ignatenco v. Moldova \(no. 36988/07\)](#)

The applicant, Oleg Ignatenco, is a Moldovan national who was born in 1969 and lived in Bălți (Moldova). The case concerns his complaint about his arrest and detention on remand in June 2007 on charges of misappropriation of property and forgery following his involvement in a series of complex commercial deals for the building of 18 blocks of flats in Chişinău. He alleges a number of violations under Article 5 (right to liberty and security), notably that his arrest and detention were unlawful (Article 5 § 1), that the domestic courts did not give sufficient reasons for his detention on remand (Article 5 § 3) and that he did not have access to part of the criminal file in his case (Article 5 § 4).

[Finster v. Poland \(no. 24860/08\)](#)

The applicant, Zbigniew Finster, is a Polish national who was born in 1969 and lives in Gdańsk (Poland). Relying in particular on Article 3 (prohibition of inhuman and degrading

treatment) and Article 5 § 3 (right to liberty and security), Mr Finster complains about the conditions (notably overcrowding) and excessive length of his detention on remand on suspicion of drug trafficking from March 2006 to June 2008. He also complains that a decision by the Gdańsk Court of Appeal to prolong his detention – stating that he had committed the offences with which he had been charged – breached Article 6 § 2 (presumption of innocence).

[Butușină v. Romania \(no. 30818/04\)](#)

The applicant, Mihai Victor Marius Butușină, is a Romanian national who was born in 1953 and lives in Arad (Romania). The case concerns criminal proceedings against him concerning a car that he allegedly imported. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), he complains in particular about the quashing of a final judgment by which he was acquitted, and about the legal reclassification of the charges by the Supreme Court in his absence. He also alleges that the length of the criminal proceedings was excessive and, under Article 5 §§ 1 and 3 (right to liberty and security), that the decision to remand him in pre-trial detention was unlawful.

[Micu v. Romania \(no. 29883/06\)](#)

The applicant, Sorin Dan Micu, is a Swedish national who was born in 1959 and lives in Timișoara (Romania). Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains in particular about the conditions of his detention during his pre-trial custody and later in prison after his conviction for drug trafficking. He further complains that he was psychologically ill-treated in his initial police interviews, during which he did not have the assistance of a lawyer of his choosing, in breach of Article 6 § 1 (right to a fair hearing).

[Aydemir v. Slovakia \(no. 44153/06\)](#)

[Michalák v. Slovakia \(no. 30157/03\)](#)

The applicants are, Halis Aydemir, a Turkish national who was born in 1955 and lives in Sontheim an der Brenz (Germany) and, Ján Michalák, a Slovak national who was born in 1977 and lives in Poprad (Slovakia). Mr Aydemir was handed over to the Slovakian authorities in March 2004 and remanded in custody on suspicion of blackmail following threatening text messages he had sent from his German mobile. He was found guilty as charged in November 2004 and sentenced to two years' imprisonment, suspended for 30 months. Mr Michalák was arrested in December 2002 and placed in detention pending trial on charges of conspiracy and embezzlement. He was released in January 2004 but the case against him remains pending before the Specialised Criminal Court (a court established in Slovakia to try cases involving corruption and organised crime). Both cases essentially concern the applicants' complaints under Article 5 (right to liberty and security) that their pre-trial detention was unlawful (Article 5 § 1) and lacked a procedure by which its lawfulness could be decided (Article 5 § 4) as well as an enforceable right to compensation for that breach of their rights (Article 5 § 5). Further relying on Articles 8 (right to respect for correspondence) and 13 (right to an effective remedy), Mr Michalák also complains that his telephone calls were monitored during the criminal investigation against him and that he had no effective remedy available to remedy that breach of his rights.

[Aydoğan and Others v. Turkey \(no. 30441/08, 36483/08, 36481/08, 36482/08, 35835/08, 36485/08 and 36484/08\)](#)

The applicants are seven Turkish nationals who were arrested in November 2007 on suspicion of founding an organisation for the purpose of committing crime and released in June 2008. Relying in particular on Article 5 §§ 3, 4 and 5 (right to liberty and security), the applicants complain about the excessive length of their pre-trial detention

as well as the fact that they had no possibility to challenge the lawfulness of that detention or obtain compensation.

[Baskın v. Turkey \(no. 9125/04\)](#)

The applicant, Gülsüm Baskın, is a Turkish national who was born in 1931 and lives in Bolu (Turkey). Relying on Article 1 of Protocol No. 1 (protection of property) she complains about the depreciation of compensation awarded to her for the expropriation of her property and about the insufficient amount of additional compensation, resulting from an error in calculation. Under Article 6 § 1 (right to a fair hearing), she further complains about the presence of two town councillors on the board of experts which decided on the compensation.

[Gülizar Tuncer v. Turkey \(No. 2\) \(no. 12903/02\)](#)

The applicant, Gülizar Tuncer, is a Turkish national who was born in 1966 and lives in Istanbul. She is a lawyer and a member of the Human Rights Association. In December 2000 she took part in a procession, followed by a statement to the press, to protest about the introduction of F-type prisons in Turkey. Clashes took place between the police and the demonstrators when the protest was dispersed, and Ms Tuncer was injured. Complaining about that police intervention, she relies in particular on Articles 3 (prohibition of inhuman or degrading treatment) and 11 (freedom of assembly and association).

[Ünsal Öztürk v. Turkey \(No. 2\) \(no. 24874/04\)](#)

The applicant, Ünsal Öztürk, is a Turkish national who was born in 1957 and lives in Ankara. He is the owner of "*Yurt Books and Publishing*". He complains about the national courts' continued refusal to return books published by his company which were confiscated in the 1990s for containing separatist propaganda. He relies on Article 10 (freedom of expression) and Article 1 of Protocol No. 1 (protection of property).

Repetitive cases

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

Trojanowski v. Poland (no. 27952/08)

This case concerns the applicant's complaint about the excessive length of his pre-trial detention on suspicion of drug trafficking, committed as a member of an organised criminal gang. He relies on Article 5 §3 (right to liberty and security).

Alphan v. Turkey (no. 770/04)

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) the applicant complains that the length of civil proceedings brought by her resulted in a considerable depreciation in the value of compensation awarded to her for non-pecuniary damage. She also complains about the refusal by the domestic courts to apply interest to the compensation, in breach of Article 1 of Protocol No. 1 (protection of property).

Length-of-proceedings cases

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

Gyuláné Szabó v. Hungary (no. 34344/07)

Kan v. Turkey (no. 29965/05)

Thursday 10 February 2011

[Andreev v. Bulgaria \(no. 11578/04\)](#)

The applicant, Stanko Naydenov Andreev, is a Bulgarian national who was born in 1922 and lives in Sofia. Relying on Article 6 § 1 (right of access to a court), he complains that an administrative decision fixing the amount of compensation for 5 ares of land belonging to him in the suburbs of Sofia on which a road was built was not examined on the merits on appeal.

[Dimitrov-Kazakov v. Bulgaria \(no. 11379/03\)](#)

The applicant, Stoyan Dimitrov-Kazakov, is a Bulgarian national who was born in 1939 and lives in Sofia. In 1997 his name was entered in the police registers, with reference to a rape, as an "offender", after being questioned about a rape, even though he was never indicted for the offence. He was later subjected by the police to a number of checks related to rape complaints or disappearances of young girls. Relying on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy), he complains about his inclusion in the police file and about the lack of a remedy by which to have that complaint examined. Under Article 8 he further complains about a search of his home in November 1998, following which he was taken to the police station and questioned about the disappearance of a young girl.

[Genchevi v. Bulgaria \(no. 33114/03\)](#)

The applicants are three Bulgarian nationals living in Bulgaria. Vida Gencheva, born in 1933 and living in Mihaylovo, is the widow of Yovcho Genchev, who was found dead on 28 February 1994 in a field near his village. Nancho and Georgi Genchev, who were born in 1953 and 1960 respectively and live in Stara Zagora, are the sons of the deceased. Relying on Article 2 (right to life), they allege that the criminal investigation into the murder of their husband/father was not sufficiently effective.

[Iliev and Others v. Bulgaria \(nos. 4473/02 and 34138/04\)](#)

The applicants, Krasimir Iliev, Mihail Ekimdzhiiev and Katina Boncheva, are three Bulgarian nationals who were born in 1964, 1964 and 1979 respectively and live in Bulgaria. Mr Iliev is currently serving several sentences in Varna prison, and Mr Ekimdzhiiev and Ms Boncheva, who are his legal representatives before the European Court of Human Rights, live in Plovdiv. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), Mr Iliev complains of the inhuman and degrading conditions in which he has been detained. All applicants, relying on Article 8 (right to respect for private and family life and correspondence) and 13 (right to an effective remedy), complain that the prison authorities monitored Krasimir Iliev's correspondence with his legal representatives and that they did not have an effective remedy in that respect. Mihail Ekimdzhiiev and Katina Boncheva also complain under Article 34 (right of individual petition) and 14 (prohibition of discrimination) claiming that they have been discriminated against as a result of being legal representatives before the Court and that the monitoring of Krasimir Iliev's correspondence has hindered the effective exercise of his right of application before the Court.

[Nalbantski v. Bulgaria \(no. 30943/04\)](#)

The applicant, Lyubomir Nalbantski, is a Bulgarian national who was born in 1957 and lives in Shumen (Bulgaria). Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), Mr Nalbantski complains about the excessive length of criminal proceedings brought against him for theft in 1991.

He was found guilty as charged in 2002 and sentenced to two years' imprisonment, later upheld on appeal in 2004. Further relying on Article 2 of Protocol No 4 (freedom of movement), he also complains about three bans on his leaving Bulgaria, two imposed while the proceedings against him were pending and one imposed after his conviction became final.

[Radkov v. Bulgaria \(No. 2\) \(no. 18382/05\)](#)

The applicant, Plamen Radkov, is a Bulgarian national who was born in 1972 and is currently serving a life sentence in Bobov Dol Prison (Bulgaria) for murder to which he was sentenced in November 2003. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), he complains about the inadequate conditions in which he has been detained and that he has no effective remedy available to challenge that at the national level.

[3A.CZ s.r.o. v. Czech Republic \(no. 21835/06\)](#)

The applicant, 3A.CZ s.r.o., is a limited liability company incorporated under Czech law based in Prague. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), the applicant company complains about debt collection enforcement proceedings, in particular because it was ordered to reimburse the bailiff for the costs of those proceedings. Under Article 6 § 1, it further complains that it could not respond to another party's observations to the Constitutional Court because it was not notified.

[Kysilková and Kysilka v. Czech Republic \(no. 17273/03\)](#)

The applicants, Radmila Kysilková and Zdeněk Kysilka, are two Czech nationals who were born in 1927 and 1936 respectively and live in Písek (Czech Republic). Relying on Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), they complain that a number of procedural irregularities took place during the civil proceedings in which they sought the suspension of a building permit granted to a neighbour of theirs. In particular, they allege that the Czech courts have not held a public hearing during the whole proceedings, that they could not make comments on the written observations submitted by the presiding judge of the regional court which had been used in a Constitutional Court decision and that, unlike the defendant, they had to be legally represented before the Czech courts.

[Minarik v. Czech Republic \(no. 46677/06\)](#)

The applicant, Susanne Minarik, is a German national who was born in 1975 and lives in Willstät (Germany). A minority shareholder in a Czech joint-stock company, she complains that she was forced to transfer all her shares following a decision by the majority shareholder. She relies on Article 6 § 1 (right of access to a court).

[Tsikakis v. Germany \(no. 1521/06\)](#)

The applicant, Konstantinos Tsikakis, is a Greek national who was born in 1959 and lived at the relevant time in Pullheim (Germany). Relying in particular on Article 8 (right to respect for private and family life) and Article 6 § 1 (right to a fair hearing within a reasonable time), he complains that he had no right of access to his child for two years and that the proceedings he brought in that connection were excessive in length.

[Korosidou v. Greece \(no. 9957/08\)](#)

The applicant, Sophia Korosidou, is a Greek national who was born in 1929 and lives in Thebes (Greece). Relying in particular on Articles 8 (right to respect for private and family life) and 14 (prohibition of discrimination) and Article 1 of Protocol No. 1

(protection of property), she complains about a refusal to award her a survivor's pension as a widow on the ground that she had not been married to her deceased partner. Under Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy), she complains that the proceedings she brought for the payment of the survivor's pension were excessively long and that she had no remedy by which to have that complaint examined.

[Nisiotis v. Greece \(no. 34704/08\)](#)

The applicant, Nikolaos Nisiotis, is a Greek national who was born in 1965 and is currently in prison in Ioannina (Greece). He was sentenced in 2006 to six years' imprisonment for drug trafficking. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the conditions of his detention in an overcrowded facility, and notably that he was held in a dilapidated cell of 50 sq.m., holding 30 inmates, which had no fresh air. Under Article 14 (prohibition of discrimination) he alleges that he was at a disadvantage, because of the nature of his conviction, in relation to other inmates as regards the possibility of release on licence.

Just satisfaction

[Thaleia Karydi AXTE v. Greece \(no. 44769/07\)](#)

The applicant, "Thaleia Karydi AXTE", is a public limited company based on the island of Zakynthos (Greece). In its judgment of 5 November 2009, the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing), on account of the restriction on the company's right of access to a court, and a violation of Article 1 of Protocol No. 1 (protection of property), finding in particular that the conditions in which notice of an auction had been given to the company's legal representative, and the rejection as inadmissible of an action to have that auction annulled, had failed to strike a fair balance between the safeguarding of the right to enjoyment of property and the demands of the general interest. The question of the application of Article 41 (just satisfaction) will be decided in the judgment to be delivered on 10 February 2011.

[Dolgov v. Russia \(no. 22475/05\)](#)

[Kapanadze v. Russia \(no. 19120/05\)](#)

The applicants, Oleg Dolgov and Anzor Kapanadze, are two Russian nationals who were born in 1974 and 1975 respectively, and are currently serving prison sentences in the Tula Region (Russia) for armed robbery of the cashier desk of a psychiatric hospital. Relying on Article 3 (prohibition of inhuman or degrading treatment), both applicants complain that they have been ill-treated by the police after their arrest. Mr Dolgov, also relying on Article 5 § 1 (right to liberty and security), complains that part of his detention has been unlawful.

[Dorogaykin v. Russia \(no. 1066/05\)](#)

The applicant, Vyacheslav Dorogaykin, is a Russian national who was born in 1974 and is currently serving a prison sentence for manslaughter in the Altay Region (Russia). Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the conditions in which he was detained awaiting trial.

[Dudarovy v. Russia \(no. 5382/07\)](#)

[Nasukhanovy v. Russia \(no. 1572/07\)](#)

The applicants in the first case are two Russian nationals who live in the village of Ken-Yurt (Chechen Republic). They are the parents of Magomed Dudarov, born in 1979 and not seen since November 2002. The applicants in the second case are three Russian nationals who live in Starye Atagi (Groznskiy District, Chechen Republic). They are the

parents and brother of Movsar Nasukhanov, born in 1980, and Movladi Nasukhanov, born in 1981. In both cases the applicants allege that their relatives were abducted and detained, and in the second case killed, in 2002 by State agents carrying out a special operation in their villages. They further complain that the domestic authorities failed to carry out an effective investigation into their allegations. They rely in particular on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security) and 13 (right to an effective remedy).

[Pelevin v. Russia \(no. 38726/05\)](#)

The applicant, Sergey Pelevin, is a Russian national who was born in 1972 and lives in St Petersburg (Russia). Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security), he complains that his detention on suspicion of robbery and participating in a criminal gang was extended unlawfully after the expiration, on 21 October 2004, of his initial detention period authorised by a court. He also complains that he was detained for too long awaiting trial and that the appeal court did not decide quickly enough on his requests for release.

[Premininy v. Russia \(no. 44973/04\)](#)

The applicants, Nikolay Preminin, and his father, Anatoliy Preminin, are two Russian nationals who were born in 1981 and 1953 respectively and live in Surgut (Tyumen Region, Russia). Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 § 4 (right to liberty and security), they complain that Nikolay Preminin was beaten both by inmates and cell warders while he was detained pending trial on suspicion of hacking into the online security system of an American bank, "Green Point Bank", in 2001 and stealing its database of clients.

[Soltysyak v. Russia \(no. 4663/05\)](#)

The applicant, Sergey Soltysyak, is a Russian national who was born in 1958 and lived at the Baikonur space launch site in Kazakhstan (under joint Kazakh-Russian jurisdiction) where he served as a military officer. Following his retirement from the Russian army, in November 2004 he applied for a passport to leave Kazakhstan. In May 2005, the authorities refused to issue him a passport as they considered that he had last been exposed to state secrets through his work in December 2003 and therefore should only be allowed to travel abroad from December 2008. Relying in particular on Article 2 of Protocol No. 4 (freedom of movement), Mr Soltysyak complains that, following the termination of his employment in 2004, he could not return to Russia as the authorities refused to issue him a travel document and that that prevented him from visiting his ailing father and his mother's grave in Ukraine.

[Dubetska and Others v. Ukraine \(no. 30499/03\)](#)

The applicants are 11 Ukrainian nationals who live/lived in Vilshyna (Lviv region, Ukraine). Relying on Article 8 (right to respect for private and family life and the home), the applicants complain that their health has suffered and their house and living environment has been damaged as a result of a State-owned coal mine operating near their houses.

[Dzhaksybergenov v. Ukraine \(no. 12343/10\)](#)

The applicant, Anvar Dzhaksybergenov, is a Kazakhstani national who was born in 1974 and lives in Kyiv. Following the opening in Kazakhstan of criminal proceedings against him for misappropriation – as part of an organised group – of financial resources in particularly large amounts, the Kazakhstani authorities requested his extradition from Ukraine. The Ukrainian Prosecutor General's Office temporarily prohibited him from leaving the country in view of the extradition request. Mr Dzhaksybergenov's application

to the European Court of Human Rights under Rule 39 of the Rules of Court, asking the Court to stop Ukraine from extraditing him, was granted: the Court indicated to Ukraine that extradition should not take place until it has had the possibility to examine the application. Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 § 1 (right to a fair trial), Mr Dzhaksybergenov complains that, if extradited to Kazakhstan, he would risk ill-treatment and would not get a fair trial. Relying further on Article 13 (right to an effective remedy) and Article 2 of Protocol No. 4 (freedom of movement), he also complains that he has no effective remedy to challenge his extradition to Kazakhstan and of the prohibition on him leaving the country.

[Kharchenko v. Ukraine \(no. 40107/02\)](#)

The applicant, Leonid Kharchenko, is a Ukrainian national who was born in 1958 and lives in Kyiv. He was detained in April 2001 as a suspect in criminal proceedings concerning embezzlement of a company's funds; those proceedings were terminated against him about three years later for lack of evidence. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the poor conditions in which he was detained and about the insufficient medical treatment provided to him in detention. Relying further on Article 5 §§ 1 (c), 3 and 4 (right to liberty and security), he complains that he has been detained unlawfully and for too long awaiting trial. Finally, relying on Article 6 § 1 (right to a fair trial within a reasonable time) and 13 (right to an effective remedy), he complains that the criminal proceedings against him have lasted for too long and that he has no effective remedy to challenge that.

[Pleshkov v. Ukraine \(no. 37789/05\)](#)

The applicant, Yevgeniy Pleshkov, is a Ukrainian national who was born in 1960 and lives in Belgorod (Russia). Criminal proceedings against him on suspicion of trafficking in human beings are currently pending. Relying on Article 5 §§ 2 and 4 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), he complains that he has been detained for too long pending trial between 25 May 2004 and 31 July 2006, that he could not challenge that effectively before a judge and that the criminal proceedings against him have lasted for too long.

[Seryavin and Others v. Ukraine \(no. 4909/04\)](#)

The applicants, Oleksandr Seryavin, Iryna Kolomiyets and Larysa Logvinova are three Ukrainian nationals who were born in 1960, 1960 and 1959 and live in Kyiv. Relying in particular on Article 1 of Protocol No. 1 (protection of property), Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), the applicants complain that the authorities unlawfully commissioned renovation work in their attic, which, was subsequently transferred to a third party, and that the Ukrainian courts adopted arbitrary judgments in respect of their ensuing claim.

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of legal proceedings.

Criminal

Gospodinova v. Bulgaria (no. 38646/04)

Vihos v. Greece (no. 34692/08)

These cases concern in particular complaints concerning the excessive length of criminal proceedings brought by the applicant for a death threat (first case) and against the applicant for paedophile pornography (second case).

Non-criminal

Marchenko v. Ukraine (no. 24857/07)

Kiselyova v. Ukraine (no. 8944/07)

Rudych v. Ukraine (no. 48874/06)

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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