

950
11.12.2009

Press release issued by the Registrar
FORTHCOMING CHAMBER JUDGMENTS

15 and 17 December 2009

The European Court of Human Rights will be notifying in writing 23 Chamber judgments on Tuesday 15 December 2009 and 16 on Thursday 17 December 2009.

Press releases and texts of the judgments will be available at **11 a.m.** (local time) on the Court's Internet site (<http://www.echr.coe.int>).

Tuesday 15 December 2009

Maiorano and Others v. Italy (application no. 28634/06)

The applicants, Roberta Maiorano, Immacolata Maiorano, Vincenza Maiorano, Mario Maiorano, Monica Maiorano, Matilde Cristofalo, Giovanni Maiorano and Cesare Maiorano, are Italian nationals who were born in 1968, 1959, 1964, 1956, 1973, 1937, 1955 and 1931 respectively. They live in the province of Lecce (Italy). They are relatives of Ms Maria Carmela Linciano and Ms Valentina Maiorano, who were assassinated in 2005 by Mr Izzo at a time when the latter was serving a prison sentence on day-release. Relying in particular on Article 2 (right to life), the applicants allege that by allowing Mr Izzo to benefit from a day-release scheme, the authorities had failed to protect their relatives' lives.

Gavrilovici v. Moldova (no. 25464/05)

The applicant, Alexandru Gavrilovici, is a Moldovan national who was born in 1954 and lives in Palanca (Moldova). Mr Gavrilovici's wife and son suffer from chronic renal failure and have to travel to Chişinău for dialysis. From early 2004 the applicant's wife and son had to apply to the regional council for financial aid with their transportation costs; in November 2004 the council met to discuss their case. Mr Gavrilovici attended and there was a heated exchange between him and the county President, I.M.. Proceedings were subsequently brought against the applicant for insulting I.M. at that meeting; at a hearing in January 2005 he was convicted and sentenced to five days' administrative detention which he immediately had to serve. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the inhuman conditions of his detention. He also alleges that the real aim of the sanction imposed on him was not to protect I.M.'s reputation but was to punish him for criticising the region's leadership, in breach of Article 10 (freedom of expression).

Leva v. Moldova (no. 12444/05)

The applicants are two Moldovan nationals. Simion Leva who was born in 1953 and lives in Saint Petersburg (Russia), and his son, Octavian Leva, who was born in 1981 and lives in Bucharest. Simion Leva, a former director of S.A. Aroma, a State owned company which produced alcohol, and his son, were arrested in November 2004 on charges of large scale fraud. Relying in particular on Article 5 §§ 1, 2 and 4 (right to liberty and security) and Article 13 (right to an effective remedy), the applicants complain about the unlawfulness of

their respective arrests, notably the absence of a reasonable suspicion that they had committed a crime and the fact that they were not informed properly of the reasons for their arrest, and that they were not allowed sufficient time and facilities to prepare their defence.

Revision

Bugajny and Others v. Poland (no. 22531/05)

The applicants are three Polish nationals who live in Poznań (Poland). Paweł Bugajny was born in 1963, and Tadeusz Ratajczak and Jarosław Słuja were born in 1964. In its judgment of 6 November 2007, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) on account of the Polish authorities' refusal to expropriate the applicants' land, which had been used for roads accessible to the general public, and to give them compensation. The applicants were awarded, jointly, 247,000 euros (EUR) for pecuniary damage and EUR 18,725 for costs and expenses. On 25 February 2008, the Government requested that the judgment in this case be revised as they allege that new circumstances had arisen, notably that, in order to offset any damage suffered, the applicants had concluded easement contracts with the buyers of flats built on their land.

Zapadka v. Poland (no. 2619/05)

The applicant, Witold Zapadka, is a Polish national who was born in 1949 and lives in Ostróda (Poland). Relying in particular on Article 6 § 1 (right of access to a court), Mr Zapadka complains that a lawyer appointed under a legal aid scheme refused to lodge a cassation appeal with the Supreme Court in civil proceedings against a hospital seeking compensation for his being infected with hepatitis B during treatment for lung cancer.

Gurguchiani v. Spain (no. 16012/06)

The applicant, Giorgi Gurguchiani, is a Georgian national who was born in 1975 and was unlawfully resident in Spain at the relevant time. His sentence of 18 months' imprisonment for attempted burglary was replaced by the judicial authorities responsible for execution of the judgment by his expulsion from Spanish territory and a ten-year exclusion order. Relying on Articles 6 (right to a fair hearing), 13 (right to an effective remedy) and 7 (no punishment without law), he complains that there was no public hearing at the appeal stage which would have enabled him to object to his expulsion, and about the retroactive application of Article 89 of the Criminal Code, which, he alleges, was less favourable than the criminal legislation in force at the time of the offence.

Llavador Carretero v. Spain (no. 21937/06)

The applicant, Martín Vicente Llavador Carretero, is a Spanish national who was born in 1942 and lives in Puig de Sta Maria (Spain). Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) in the context of administrative proceedings, he complains about the dismissal of his appeal on points of law – for failure to comply with the formal admissibility criteria – by a court that had previously accepted it, and about the length of the proceedings.

Abdulhadi Yildirim v. Turkey (no. 13694/04)

The applicant, Abdulhadi Yıldırım, is a Turkish national who was born in 1950 and lives in Diyarbakır (Turkey). Relying on Article 2 (right to life), he complains of the authorities' negligence in protecting the life of his son – a schizophrenic – who committed suicide in prison when, as a young conscript convicted for desertion, he began to serve his sentence. Further relying on Article 13 (right to an effective remedy) taken together with Article 2, and Article 3 (prohibition of inhuman and degrading treatment), he complains of the impossibility of identifying and punishing those responsible, and the psychological suffering that he had endured before and since his son's death.

Burak Hun v. Turkey (no. 17570/04)

The applicant, Burak Hun, is a Turkish national who was born in 1981. He was arrested and convicted of buying and selling drugs at the close of a police operation using an “*agent provocateur*”. Relying on Article 6 §§ 1 and 3 (c) and (d) (right to a fair trial), the applicant alleges that he was incited to commit an offence by the *agent*, and complains that the individual in question was not questioned during the trial and that he himself had not been assisted by a lawyer while in police custody.

Kalender v. Turkey (no. 4314/02)

The applicants are three Turkish nationals: Mrs Sevim Kalender and her children, Mr Adnan Kalender and Ms Aysun Kalender. They were born in 1940, 1964 and 1966 respectively and live in Istanbul. They are the wife and children of Kadir Kalender and the daughter-in-law and grandchildren of Şükriye Kalender. Relying in particular on Article 2 (right to life), they complain about the death of their relatives in a railway accident in May 1997. Under Article 6 § 1 (right to a fair hearing), the applicants complain about the court decision finding that their relatives were 60% liable in that they had not complied with the safety rules and contest the opening of an action for damages against them, and the length of the compensation proceedings. Under Article 3 (prohibition of inhuman and degrading treatment), they allege that the proceedings for damages brought against them had caused psychological suffering and, under Article 7 (no punishment without law), complain that they were ordered to pay those damages although they could not be accused of any offence.

Narin v. Turkey (no. 18907/02)

The applicants are ten Turkish nationals who live in Diyarbakır (Turkey). They allege that their relative, Abduvahit Narin, was killed by the security forces on 3 October 1992 during a raid on his hotel following clashes with the PKK (the Workers’ Party of Kurdistan, an illegal organisation) in Kulp (a district in the province of Diyarbakır). They also allege that the authorities failed to carry out an effective investigation into their relative’s death. They rely on Articles 2 (right to life) and 13 (right to an effective remedy). The applicants also complain about the excessive length of the compensation proceedings they brought with regard to their relative’s death, in breach of Article 6 § 1 (right to a fair hearing within a reasonable time).

Sabri Aslan and Others v. Turkey (no. 37952/04)

The applicants are 12 Turkish nationals. They are the father, mother, brothers and sisters of Mr Naim Aslan, who was killed by accidental gunfire from the security forces while he was leading a herd to pasture land situated near the Iranian border. Relying on Articles 6 § 1 (right to a fair hearing), 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property), they complain about the refusal to grant them legal aid, which they had requested with a view to bringing an action for liability before the administrative courts.

Turan and Turfan v. Turkey (no. 1413/03)

The applicants, Ahmet Turan and Müslüm Turfan, are two Turkish nationals who were born in 1972 and 1969 respectively and live in Istanbul. They were arrested in possession of false identity papers and placed in police custody. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), they allege that they were subjected to ill-treatment in the police station and that they had no remedy to complain of that treatment. Under Article 6 §§ 1 and 3 (c) (right to a fair trial), they complain that they were convicted on the basis of statements obtained from them under torture and that they had not been assisted by a lawyer.

Financial Times Ltd and Others v. United Kingdom (no. 821/03)

The applicants are four newspapers and a news agency: Financial Times Ltd; Independent News & Media Ltd; Guardian Newspapers Ltd; Times Newspapers Ltd; and, Reuters Group plc. The case concerns the applicants’ complaint that they were ordered to disclose

documents to Interbrew, a Belgian brewing company, which might identify journalistic sources at the origin of a leak to the press about a takeover bid. The applicants have thus far failed to comply with that court order. They rely on Article 10 (freedom of expression) and Article 8 (right to respect for private and family life and correspondence). The applicants also complain about the unfairness of the civil proceedings in which Interbrew claimed damages against the source of the leaked documents and sought to prevent further leaks, in breach of Article 6 § 1 (right to a fair hearing).

Repetitive cases

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

Fedotov v. Moldova (no. 6484/05)

This case concerns the applicant's complaint that the domestic authorities failed to enforce a final judgment in his favour in good time. He relies on Articles 6 § 1 (right to a fair hearing), 13 (right to an effective remedy) and 1 of Protocol No. 1 (protection of property).

Companhia Agrícola do Vale de Água, S.A. v. Portugal (no. 11019/06)

Sampaio de Lemos and 22 other "agrarian reform" cases v. Portugal (nos. 41954/05, 42843/05, 3761/06, 6319/06, 6323/06, 7349/06, 7355/06, 7503/06, 8048/06, 10906/06, 11829/06, 11840/06, 12962/06, 14075/06, 14094/06, 14103/06, 14111/06, 15195/06, 15251/06, 16200/06, 19455/06, 24690/06 and 27603/06)

Vilhena Peres Santos Lanca Themudo e Melo and Others v. Portugal (no. 1408/06)

The applicants were all owners of land expropriated in 1975 as part of the agrarian reform policy. They complain that the amount received in compensation did not represent "fair compensation" and complain of a delay in the award and payment of the final amount. They all rely on Article 1 of Protocol No. 1 (protection of property). Some also rely on Articles 6 § 1 (right to a fair hearing) and 13 (right to an effective remedy).

Akyazici v. Turkey (no. 43452/02)

This case concerns the applicant's complaint that he was not given a copy of the written opinion submitted to the Court of Cassation by the Principal Public Prosecutor. He relies on Article 6 § 1 (right to a fair trial).

Length-of-proceedings cases

In the following cases, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings.

Kučera v. Slovakia (no. 29749/05)

Paldan v. Slovakia (no. 18968/05)

Špatka v. Slovakia (no. 36528/05)

Bilgeç v. Turkey (no. 28578/05)

Thursday 17 December 2009

Mikayil Mammadov v. Azerbaijan (no. 4762/05)

The applicant, Mikayil Sattar oglu Mammadov, is an Azerbaijani national who was born in 1961 and, internally displaced from Gubadly, currently lives in Sumgayit (Azerbaijan). In 2003 Mr Mammadov, living with his family in a hostel, renovated some vacant rooms in an old military administrative building in Sumgayit and moved in without official authorisation. In March 2004 two local officials and police officers came to the building to evict the family. Mr Mammadov's wife, Chichek Mammadova, set herself on fire in protest; she died a few

days later from the extensive burns to her body. Relying in particular on Article 2 (right to life), Mr Mammadov alleges that the officials and police officers were responsible for the death of his wife as they had unlawfully entered his home, used excessive force and failed to take immediate measures to rescue her. He also alleges that the authorities failed to properly investigate the incident.

B.B. v. France (no. 5335/06)

Gardel v. France (no. 16428/05)

M.B. v. France (no. 22115/06)

The applicants are three French nationals who live in France: B.B., who was born in 1959 and lives in Toulouse; Fabrice Gardel, who was born in 1962 and is currently held in Monmédy Prison; and M.B., who was born in 1943 and lives in Millau. They were sentenced to terms of imprisonment for the rape of an underage child by a person in a position of authority. Relying on Article 7 (no punishment without law) and Article 8 (right to respect for private and family life and for correspondence), they complain, in particular, about their inclusion in the computerised national judicial register of sexual offenders and the retroactive application of the legislation behind the register, which was more restrictive than the provisions in force on the date of their conviction.

M. v. Germany (no. 19359/04)

The applicant, M., is a German national who was born in 1957 and is currently detained in Schwalmstadt (Germany). Convicted in 1986 of attempted murder and aggravated robbery and sentenced to five years' imprisonment, the applicant complains about his continued placement in preventive detention beyond the ten year maximum authorised under German law at the time of his offence. He relies on Article 5 § 1 (right to liberty and security). The applicant also claims that he is the victim of an infringement of the right to not be imposed with a heavier penalty than the one applicable at the time of his offence, in breach of Article 7 (no punishment without law).

Georginis-Georginis v. Greece (no. 3271/08)

The applicant, Dimitrios Georginis-Gioginis, is a Greek national who was born in 1962 and is currently held in Chalkida Prison (Greece). Relying in particular on Article 6 § 1 (right to a fair trial within a reasonable time), he alleges that the proceedings brought against him for the purchase, sale and possession of drugs were unfair in several respects and have lasted for too long.

Denis Vasilyev v. Russia (no. 32704/04)

The applicant, Denis Vladimirovich Vasilyev, is a Russian national who was born in 1983 and lives in Moscow. In June 2001 Mr Vasilyev was attacked and left unconscious in a street of Moscow; two police officers called to the scene, thinking that the applicant was drunk, left without calling an ambulance or administering first aid. The applicant complains about the police's failure to give him immediate assistance as well as the subsequent inadequate medical care at hospital. He further complains about the inadequacy of the investigations into the assault, into the actions of the police and into the alleged medical negligence. He relies on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment). He also complains, under Article 13 (right to an effective remedy), that there was no civil-law remedy to claim compensation for his ill-treatment and that the authorities put pressure on him with regard to his case, in breach of Article 34 (right of individual petition).

Dzhurayev v. Russia (no. 38124/07)

The applicant, Yashin Yakubovich Dzhurayev, is an Uzbekistan national who was born in 1966 and is currently living in Moscow. Arrested in Moscow in January 2007 on the basis of an Uzbek court order, Mr Dzhurayev complains about the unlawfulness and lack of judicial review of his detention pending extradition to Uzbekistan where he had been convicted of

being a member of a prohibited Islamic religious organisation (Tablighi Dzhamaat). He relies in particular on Article 5 §§ 1 and 4 (right to liberty and security).

Golubeva v. Russia (no. 1062/03)

The applicant, Mariya Grigoryevna Golubeva, is a Russian national who was born in 1930 and lives in Biysk (Russia). Relying in particular on Article 2 (right to life), she alleges that her partner was killed by the police following an altercation with some teenagers outside their block of flats and that the authorities' ensuing investigation into his death was inadequate.

Kolchinayev v. Russia (no. 28961/03)

The applicant, Nikolay Konstantinovich Kolchinayev, is a Russian national who was born in 1961 and is currently serving a 15-year prison sentence in Minusinsk (Russia) for murder. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complains about the excessive length of the criminal proceedings against him.

Kunashko v. Russia (no. 36337/03)

The applicant, Tamara Pavlovna Kunashko, is a Russian national who was born in 1946 and lived in Lesnoy (Russia) at the relevant time. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 1 of Protocol No. 1 (protection of property), she complains about the partial and therefore incomplete execution of a judgment ordering her employer to pay arrears of wages.

Shilbergs v. Russia (no. 20075/03)

The applicant, Artur Viesturovich Shilbergs, is a Russian national who was born in 1967 and is currently serving a nine-year prison sentence in a correctional colony in the village of Slavyanovka (Russia) for aggravated robbery. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the conditions of his pre-trial detention in two facilities. Further relying on Article 6 §§ 1 and 3 (c) (right to a fair trial), he also complains about the unfairness of three sets of civil proceedings – two concerning his conditions of detention and one a defamation action – he had brought in that the domestic courts failed to secure his attendance or ensure representation as well as of the criminal case against him due to the lack of legal aid at the appeal stage.

Werz v. Switzerland (no. 22015/05)

The applicant, Anto Werz, is a Bosnian national who was born in 1953 and is currently detained in the Bostadel Prison (Switzerland). He was accused of attempting to defraud a third party and of having subsequently killed that individual on account of the latter's refusal to accept the proposed fictitious deal. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the excessive length of the proceedings against him, and alleges that he was not notified about certain items of evidence and did not have an opportunity to confront the individual who had supplied the information used against him.

Kalanoski v. "the former Yugoslav Republic of Macedonia" (no. 31391/03)

The applicant, Ilija Kalanoski, is a Macedonian national who was born in 1932 and lives in Skopje. Relying on Article 6 § 1 (right of access to a court), he complains about the non-enforcement of a compensation claim.

Repetitive cases

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

Kraynova and Kraynov and nine other "Yakut pensioners" cases v. Russia (nos. 7306/07, 8555/07, 11905/07, 11908/07, 11912/07, 14314/07, 14316/07, 14322/07, 14323/07 and 14326/07)

This case concerns the applicants' complaint that final judgments in their favour were quashed by way of supervisory review. They rely on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Volnykh v. Russia (no. 10856/03)

This case concerns the non-enforcement of a judgment in favour of the applicant. He relies on Article 1 of Protocol No. 1 (protection of property).

Press contacts

Stefano Piedimonte (telephone : 00 33 (0)3 90 21 42 04)

Tracey Turner-Tretz (telephone : 00 33 (0)3 88 41 35 30)

Kristina Pencheva-Malinowski (telephone : 00 33 (0)3 88 41 35 70)

Céline Menu-Lange (telephone : 00 33 (0)3 90 21 58 77)

Frédéric Dolt (telephone : 00 33 (0)3 90 21 53 39)

Nina Salomon (telephone: 00 33 (0)3 90 21 49 79)

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.