



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 23 judgments on Tuesday 19 July 2011 and 8 on Thursday 21 July 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 19 July 2011

[Holevich v. Bulgaria \(application no. 25805/05\)](#)

The applicants, Neli and Alexander Holevich, husband and wife, are Bulgarian nationals who were born in 1946 and 1947 respectively and live in Sofia. The case concerns their complaint that a State-owned apartment which they had bought in 1990 was then given up for tenancy to another family by their municipality. They rely on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights. They further complain about the excessive length of the ensuing proceedings they brought to claim compensation, in breach of Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy) of the European Convention.

[Stoycheva v. Bulgaria \(no. 43590/04\)](#)

The applicant, Veska Stoycheva, is a Bulgarian national who was born in 1937 and lives in Plovdiv (Bulgaria). The case concerns her complaint about the authorities' failure to enforce a final court judgment of 1997 restoring to her a plot of land which had been expropriated during the communist regime. She relies on Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy).

[Đurđević v. Croatia \(no. 52442/09\)](#)

The applicants, Đuro Đurđević, his wife Katica Đurđević, and their son Danijel Đurđević, are three Croatian nationals who were born in 1967, 1966 and 1994 respectively and live in Kloštar-Ivanić (Croatia). The case concerns an altercation between Danijel Đurđević and a group of men outside a restaurant in Ivanić Grad in the evening of 16 June 2009 because one of the men had insulted his brother on account of his Roma origin and spat in his food. Danijel alleges in particular that the authorities did nothing to identify and punish those responsible for beating him up during that incident. His parents further allege that they were then ill-treated by two off-duty policemen on leaving the police station where their son had been taken and that the official investigation into that allegation was inadequate. All the applicants also make allegations that Danijel was frequently insulted and beaten at school due to his Roma origin and that the authorities had failed to protect him from that violence. They rely on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life).

[Majski v. Croatia \(No.2\) \(no. 16924/08\)](#)

The applicant, Radovan Majski, is a Croatian national who was born in 1949 and lives in Vukovar (Croatia). A candidate for a post in the Vukovar Attorney's Office, he complains about the domestic courts' refusal to examine on the merits a case he had brought to contest the decision appointing someone else to the post. He relies on Article 6 § 1 (right of access to a court).

[Varfis v. Greece \(no. 40409/08\)](#)

The applicant, Spyridonas Varfis, is a Greek national who was born in 1944 and lives in Athens. In 1986 he acquired a plot of building land in Marathon. Two years later a presidential decree classified the land as part of an environmental protection area, where construction was restricted to sports and leisure facilities and mountain refuges. Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, he complains about the restrictions that were placed on his property without any payment of compensation, and about a judgment of the Supreme Administrative Court dismissing his application for judicial review.

[Uj v. Hungary \(no. 23954/10\)](#)

The applicant, Péter Uj, is a Hungarian national who was born in 1969 and lives in Budaörs (Hungary). A journalist, Mr Uj complains about his conviction for libel in June 2009 for harshly criticising in a national daily newspaper the quality of a well-known variety of Hungarian wine, produced by a State-owned company. He relies on Article 10 (freedom of expression).

[L.M. v. Latvia \(no. 26000/02\)](#)

The applicant, L.M., is a permanently resident non-citizen of the Republic of Latvia who was born in 1972 and lives in Liepāja (Latvia). Relying on Article 5 §§ 1 and 4 (right to liberty and security), she complains about her internment in a psychiatric hospital for a month following the police being called to her apartment in March 1999 as she was threatening to jump out of her fifth-floor flat. She was subsequently diagnosed with paranoid schizophrenia.

[Jelcovas v. Lithuania \(no. 16913/04\)](#)

The applicant, Voldemaras Jelcovas, is a Lithuanian national who was born in 1965 and lives in Telšiai (Lithuania). Suffering from tuberculosis and hepatitis C, Mr Jelcovas complains about the conditions as well as inadequate medical care during his detention on remand from 2002 to 2003 pending criminal proceedings against him for robbery and murder. He also complains that those proceedings against him were unfair, alleging in particular that he was not allowed to take part in a Supreme Court hearing in either set of criminal proceedings against him, in breach of the principle of equality of arms, and that he was not assisted by a lawyer to prepare either his complaint about the lawfulness of his detention or his appeal on points of law in the case against him for robbery. He relies in particular on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 §§ 1 and 3 (right of access to a court and right to a fair hearing).

[Van Velden v. the Netherlands \(no. 30666/08\)](#)

The applicant, Robertus Gemma Maria van Velden, is a Netherlands national who was born in 1948 and lives in Rotterdam (the Netherlands). Caught in the act in November 2007 of trying to withdraw money from someone else's bank account using a forged identity document, Mr van Velden complains about the domestic courts' ensuing failings to follow procedure when extending an order for his detention on remand. He relies on Article 5 § 4 (right to liberty and security).

[Revision](#)[C.B. v. Romania \(no. 21207/03\)](#)

The applicant, C.B., was a Romanian national who was born in 1960 and lived in Bucharest. In a [judgment](#) of 20 April 2010 the Court found a violation of Article 5 §§ 1 (e) and 4 (right to liberty and security) of the Convention on account of the unlawful detention of the applicant, who had been charged with maliciously accusing a police

officer. The Romanian Government requested the revision of the judgment on the ground that the applicant had died before it was adopted.

[Jarnea v. Romania \(no. 41838/05\)](#)

The applicant, Ioan Jarnea, is a Romanian and American national who was born in 1940 and lives in Bucharest. In 2001 he applied to the National Council for the Study of the Archives of the *Securitate*, a body set up under a 1999 law on citizens' access to personal files held on them by the *Securitate* (the former secret services under the totalitarian regime), and requested access to his personal file. Relying on Article 8 (right to respect for private and family life) of the Convention, he complains that his right of access to the file was hindered.

[Rupa v. Romania \(no. 2\) \(no. 37971/02\)](#)

The applicant, Vili Rupa, is a Romanian national who was born in 1973 and lives in Hunedoara (Romania). In 2000, after refusing to submit to an identity check in the street, he hit a police officer and damaged the latter's vehicle. Criminal proceedings were instituted against him. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), he complains that he was beaten during questioning, that no effective investigation was carried out into the incident and that he did not have an effective remedy in respect of his complaint. In addition, relying mainly on Article 6 §§ 1 and 3 (right to a fair hearing), he alleges in particular that the public prosecutor refused him the assistance of a lawyer of his own choosing and that his State-appointed lawyer did not provide him with sufficient assistance.

[Buldakov v. Russia \(no. 23294/05\)](#)

The applicant, Andrey Buldakov, is a Russian national who was born in 1975 and is currently serving a 13-year prison sentence in Chernoerchenskiy (Komi Republic, Russia) for aggravated robbery. 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. He also alleges under Article 34 (right of individual petition) that the prison administration in the remand centre where he was being held did not dispatch his application form with the attachments which he had tried to send to the European Court in July 2005.

[Gubiyev v. Russia \(no. 29309/03\)](#)

The applicant, Suleyman Gubiyev, is a Russian national who was born in 1934 and lives in the village of Chechen-Aul (Chechen Republic). Mr Gubiyev complains that Russian servicemen blew up a mill he owned and damaged his nearby petrol station when carrying out a special operation in Chechen-Aul in July 2000 and that the domestic courts subsequently refused to award him compensation. He relies in particular on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair hearing).

[Khashuyeva v. Russia \(no. 25553/07\)](#)

The applicant, Kameta Khashuyeva, is a Russian national who was born in 1969 and lives in Shali (Chechnya). She alleges that her 11-year old son, Mamed Bagalayev, was killed in August 2003 when a group of Russian servicemen carrying out a special operation opened fire on her neighbours as well as her own home. Mamed, who had been playing with his brother and sister in the yard of the family home, noticed that he was bleeding when he ran inside a summer house to hide. He fell unconscious while the servicemen carried out a search of the summer house and the shooting continued; he was then taken to hospital where he was declared dead. Ms Khashuyeva also alleges that the ensuing investigation into her allegations was inadequate. She relies on Articles 2 (right

to life), 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy).

[Kondratishko and Others v. Russia \(no. 3937/03\)](#)

The applicants, Aleksandr Kondratishko, Aleksandr Burdeyev, Dmitriy Tsygankov, Sergey Kokhan and Sergey Kondratishko, are five Russian nationals who were born in 1973, 1967, 1973, 1974 and 1971 respectively. They are from the Bryansk Region (Russia). In July 2002 they were all convicted of, among other offences, robbery, unlawful deprivation of liberty and banditry and given prison sentences varying from six to 23 years. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), all the applicants complain about the excessive length of the criminal proceedings brought against them. Mr Tsygankov further alleges under Article 3 (prohibition of inhuman or degrading treatment) that he was beaten and threatened by police officers both during his arrest in March 1999 and subsequently at the police station in order to force him to confess. Mr Kondratishko, also relying on Article 3, complains about the conditions of his detention on remand between March 1999 and November 2002, notably on account of overcrowding.

[Parlak v. Turkey \(no. 22459/04\)](#)

The applicant, Ahmet Parlak, is a Turkish national who was born in 1971 and lives in Istanbul. In 2004, while he was wanted by the police, police officers tried to apprehend him in the centre of Istanbul. He allegedly put up resistance and was shot in the leg by a police officer. He was taken to hospital immediately. A magistrate remanded him in custody in his absence and his detention was subsequently extended. Relying on Article 3, he complains about the gunshot wounds he received. He also alleges, under Article 5 §§ 3 and 5 (right to liberty and security), that he was not brought promptly before a judge after his arrest and that he did not have an effective remedy by which he could have obtained compensation for his unlawful deprivation of liberty.

[Goggins and Others v. United Kingdom \(nos. 30089/04, 14449/06, 24968/07, 13870/08, 36363/08, 23499/09, 43852/09 and 64027/09\)](#)

The applicants, Ciaron Goggins, John Day, Michael Jackson, Christopher Scott, Guled Michael, Carol Castley-Turner, Darren Coates and Jonathan Bennetts, are eight British nationals who were born in 1961, 1964, 1953, 1952, 1977, 1950, 1971 and 1971 respectively and live in the United Kingdom. Relying in particular on Article 8 (right to respect for private and family life), all the applicants complain about the collection and retention of their DNA samples, fingerprints and associated data despite either being acquitted of criminal charges brought against them or having criminal proceedings against them dropped.

Repetitive cases

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

Leca and Filipescu v. Romania (nos. 27949/04 and 30324/04)

This case concerns the quashing of final court decisions in the applicants' favour. They rely on Article 6 § 1 (right to a fair hearing).

Belokopytova v. Russia (no. 39178/04)

Dreyer v. "the former Yugoslav Republic of Macedonia" (no. 2040/04)

These cases concern the applicants' complaints about the partial non-execution and/or excessive length of enforcement proceedings of final judgments in their favour. They rely

in particular on Article 6 § 1 (right to court) and Article 1 of Protocol No. 1 (protection of property).

Length-of-proceedings cases

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

Dimova and Minkova v. Bulgaria (no. 30481/05)
Kaggos v. Greece (no. 64867/09)

Thursday 21 July 2011

[Fabris v. France \(no. 16574/08\)](#)

The applicant, Henry Fabris, is a French national who was born in 1943 and lives in Orléans (France). He was born from an adulterous relationship, and his maternal affiliation was established by a court when he was 40 years old. On his mother's death, he applied for the portion of her and her husband's estate that was reserved to him. His action was declared inadmissible by the domestic courts since the mother had previously consented to an *inter vivos* distribution of the estate among her legitimate children. Relying on Articles 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the Convention and Article 1 of Protocol No. 1 (protection of property), Mr Fabris complains of his inability to assert his inheritance rights.

[Heinisch v. Germany \(no. 28274/08\)](#)

The applicant, Brigitte Heinisch, is a German national who was born in 1961 and lives in Berlin. The case concerns Ms Heinisch's complaint about her dismissal without notice from her job as a geriatric nurse and the courts' refusal to order her reinstatement. Her employer, a company specialising in health care which is majority-owned by the Berlin *Land*, dismissed her on the ground that she had brought a criminal complaint against it alleging deficiencies in the care provided and accusing it of endangering particularly vulnerable patients due to unsatisfactory working conditions. She relies on Article 10 (freedom of expression).

[Sigma Radio Television Ltd v. Cyprus \(nos. 32181/04 and 35122/05\)\)](#)

The applicant, Sigma Radio Television Ltd, is a company registered in Cyprus which operates a television station, "Sigma TV", and a radio station, "Radio Proto". The case concerns 28 different decisions of the Cyprus Broadcasting Authority imposing fines on the applicant company for violation of legislation concerning radio and television programmes it had broadcast, and the alleged unfairness of the related domestic proceedings. Notably, the decisions concerned breaches of the law and/or regulations on advertising and further breaches concerning items broadcast during news bulletins, broadcasting of certain films, series and trailers with scenes of violence unsuitable for children and, in one particular case, racist and discriminatory remarks in an entertainment series. The applicant company also alleges that it was treated differently to the public service broadcaster, CyBC, which was not required to pay fines. The applicant company relies on Article 6 § 1 (right to a fair trial), Article 10 (freedom of expression), Article 13 (right to an effect remedy), Article 14 (prohibition of discrimination) and Article 1 of Protocol No. 1 (protection of property).

J.B. v. the Czech Republic (no. 44438/06)

The applicant, J.B., is a Dutch national who was born in 1952 and lives in Valcea (Romania). A former owner of a night club in Dolní Dvořiště (the Czech Republic), he was arrested in January 2006 on suspicion that prostitutes were working in his club whom he had lured from Romania with the promise of work as bartenders or cleaning ladies. Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial/to obtain attendance and examination of witnesses), he complains that he was not able to cross-examine several witnesses in the ensuing criminal proceedings brought against him for trafficking in human beings and procuring prostitution. He was subsequently found guilty as charged and sentenced to five and a half years' imprisonment.

Grimkovskaya v. Ukraine (no. 38182/03)

The applicant, Natalya Grimkovskaya, is a Ukrainian national who lives in Krasnodon (Ukraine). The case concerns her complaint about the re-routing in 1998 of a motorway via her street, six-metres wide and in a residential area and entirely unsuitable for heavy traffic. Ms Grimkovskaya also complains that the municipal authorities subsequently failed to ensure regular monitoring of the street to keep in check pollution and other nuisances. She relies on Article 8 (right to respect for private and family life and home). Further relying on Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy), she also complains about the unfairness of the related domestic proceedings.

Korobov v. Ukraine (no. 39598/03)

The applicant, Igor Korobov, is a Ukrainian national who was born in 1968 and lives in Mariupol (Ukraine). He alleges that he was beaten and tortured with an electric current when arrested in April 2000 on charges of extortion and that the ensuing investigation into his allegations was inadequate. He relies on Article 3 (prohibition of torture and inhuman or degrading treatment). Further relying on Article 6 § 1 (right to a fair trial), he also alleges that the criminal proceedings against him were unfair as his cassation appeal was considered in his and his lawyer's absence.

Length-of-proceedings cases

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

Bellut v. Germany (no. 21965/09)

Strehar v. Slovenia (no. 34787/04)

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on its [Internet site](#). To receive the Court's press releases, please subscribe to the [Court's RSS feeds](#).

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Emma Hellyer (tel: + 33 3 90 21 42 15)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Kristina Pencheva-Malinowski (tel: + 33 3 88 41 35 70)

Frédéric Dolt (tel: + 33 3 90 21 53 39)
Nina Salomon (tel: + 33 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.