



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 15 judgments on Tuesday 2 November 2010 and 15 on Thursday 4 November 2010.

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

Tuesday 2 November 2010

[Vaquero Hernández and Others v. Spain \(nos. 1883/03, 2723/03 and 4058/03\)](#)

The applicants, Angel Vaquero Hernández, Enrique Dorado Villalobos, Felipe Bayo Leal, Enrique Rodríguez Galindo and José Julián Elgorriaga Goyeneche, are Spanish nationals who were born in 1951, 1957, 1960, 1939 and 1948 respectively. The first four applicants held, or had held, positions in the Civil Guard at the relevant time, and the fifth had been Governor of Guipúzcoa from 1982 to 1987 and, from 1987 to 1989, Government delegate to the Autonomous Community of the Basque Country. In 1995, after an investigation leading to identification of two people who had been murdered 10 years earlier as being two presumed members of the ETA, criminal proceedings were opened against the applicants for premeditated murder, for belonging to an armed gang and for acts of wounding and torture. Relying on Article 6 §§ 1, 2 and 3 (right to a fair trial) of the European Convention on Human Rights, the applicants complain about a violation of their right to be presumed innocent and of their defence rights.

[Lánchíd Hitel és Faktor Zrt. v. Hungary \(no. 40381/05\)](#)

The applicant, Lánchíd Hitel És Faktor Zrt., is a Hungarian private limited company based in Budapest. It complains that certain debts – in particular social security contributions – it had been assigned by the tax authorities in 2001 and 2002 were declared non-enforceable by the Hungarian courts. It relies in particular on Article 1 of Protocol No. 1 (protection of property) to the Convention.

[Piazzì v. Italy \(no. 36168/09\)](#)

The applicant, Alessandro Piazzì, is an Italian national who was born in 1960 and lives in Rimini (Italy). The case concerns the applicant's inability, for more than seven years, to exercise his right of access in respect of his son, under the conditions laid down by the courts, on account of the alleged failure by the social services to take the necessary measures. He complains in particular that the social services' role in the enforcement of the court decisions was too autonomous and that the Youth Court did not ensure that its decisions were properly followed up. He relies on Article 8 (right to respect for private and family life).

[Serghides v. Poland \(no. 31515/04\)](#)

The applicant, Andreas Serghides, is a British national who was born in 1971 and lives in London. He married a Polish national and they settled in London. A daughter was born in 1998. The case concerns the applicant's request for the return to the United Kingdom of his daughter, who was taken by the mother to Poland. Relying in particular on Article 8 (right to respect for private and family life), he complains that the Polish procedures relating to his request have not been followed up with due diligence. In his view,

because of the procedural delays, his emotional ties with his child have weakened and, as a result, the decision ordering the child's return to the United Kingdom has been reversed.

[Bujac v. Romania \(no. 37217/03\)](#)

The applicant, Horațiu Bujac, is a Romanian national who was born in 1979 and lives in Sibiu (Romania). He was arrested on theft charges and remanded in custody in 2002. Relying on Article 5 § 1 (c) and 3 (prohibition of inhuman or degrading treatment), he alleges that his pre-trial custody was illegal from August 2002, not having been lawfully extended, and complains that his request for release on licence during the proceedings was rejected. Under Article 3 (prohibition of inhuman or degrading treatment) he complains that he was handcuffed in public and in front of his family during his transfer from the prison to the courthouse.

[Grozavu v. Romania \(no. 24419/04\)](#)

The applicant, Ion-Marius Grozavu, is a Romanian national who was born in 1969 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 in Bucharest-Jilava prison, namely overcrowded cells and a deplorable lack of hygiene, and about the fact that he had his head shaven, that he was forced to wear the prison uniform, that he was taken to the court in handcuffs and that he was chained to another inmate to go to the toilet. He also complains that he was placed with dangerous prisoners who ill-treated him because of his former status as a civil servant.

[Mătășaru and Savițchi v. Moldova \(no. 38281/08\)](#)

The applicants, Anatol Mătășaru, and his wife, Djulieta Savițchi, are Moldovan nationals who were both born in 1950 and live in Chișinău. Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Mătășaru complains about the ineffectiveness of an investigation into his allegation that he was attacked outside his internet café in October 2006. He and his wife further complain under Article 5 § 1 (right to liberty and security) and Article 11 (freedom of assembly and association) that they were arrested and illegally detained following their demonstration in Chișinău in January 2008 to protest about the attack and the prosecution's inertia in investigating the case.

[Nistor v. Romania \(no. 14565/05\)](#)

The applicants, Olimpia Doina Nistor, Doina Nistor and Romulus Vasile Nistor, are three Romanian nationals who were born in 1973, 1949 and 1949 respectively and live in Crucișor (Romania). They are the mother and maternal grandparents of a child who was born in 1998. The child's parents left for Italy in 2000 and the paternal grandmother was appointed as its guardian in their absence. After the parents divorced, custody was awarded to the father on the ground that he had maintained contact with the child, unlike the mother. Relying in particular on Article 8 (right to respect for private and family life), the applicants complain about a refusal to remove the limitation of their right of access in respect of the child, and about their inability to exercise that right on account of the alleged inaction of the authorities.

[S.C. Apron Dynamics SRL Baia Mare v. Romania \(no. 21199/03\)](#)

The applicant, S.C. Apron Dynamics SRL Baia Mare, is a Romanian company, founded in 1992, and based in Baia Mare (Romania). Relying on Article 6 § 1 (right of access to court) and Article 1 of Protocol No. 1 (protection of property), the applicant company complains about the excessive length of and high court fees in proceedings it had brought against another company to recover a debt.

[Ștefănică and Others v. Romania \(no. 38155/02\)](#)

The applicants are 18 Romanian nationals, two of whom now deceased, all previously employees of a former State-owned bank. The bank was involved in a restructuring process in 1998 and 1999 which entailed hundreds of dismissals, including those of the applicants. The case concerns their complaint that the domestic courts' decisions with regard to the granting of compensation for dismissal were inconsistent, even though the claims were brought by people in similar situations and involved similar legal issues. They rely on Article 6 § 1 (right to a fair hearing), Article 1 of Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination).

[Gillberg v. Sweden \(no. 41723/06\)](#)

The applicant, Christopher Gillberg, is a Swedish national who was born in 1950. He is a well-known professor and former Head of Department of Child and Adolescent Psychiatry at the University of Gothenburg (Sweden) where he carried out research on hyperactivity and attention-deficit disorders. He complains about his criminal conviction in 2006 for refusing to comply with a court decision granting access to his research material for a sociologist and a paediatrician. The applicant refused as he had allegedly promised absolute confidentiality to the families of the children who took part in his research. He was given a suspended sentence and a fine of 750 Swedish kronor (approximately 4,000 Euros (EUR)). He relies in particular on Articles 8 (right to respect for private and family life) and 10 (freedom of expression).

Repetitive cases

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

Vitcovschi v. Romania (no. 24193/07)

This case concerns in particular the applicants' complaint concerning the excessive length of criminal proceedings against them for theft between family members. They rely on Article 6 § 1 (right to a fair trial within a reasonable time).

Lordos and Others v. Turkey (no. 15973/90)

This case concerns the applicants' allegation that the Turkish occupation of the northern part of Cyprus following the 1974 conflict deprived them of their homes and properties. They rely on Article 1 of Protocol No. 1 (protection of property), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 14 (protection of property).

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.

Filippelli v. Italy (no. 1287/04)

Tiziano Bianchi v. Italy (no. 18477/03)

Thursday 4 November 2010

[Angelov and Others v. Bulgaria \(no. 43586/04\)](#)

The applicants, Atanas Kolev Angelov, Mitko Tomov Mitev, Hristo Yankov Yankov and Rangel Yankov Yankov, are four Bulgarian nationals who were born in 1971, 1962, 1966 and 1965 respectively. The first and fourth applicants live in Stryama (Bulgaria), the

second applicant is detained in Plovdiv Prison and the third applicant lives in Nicosia. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), they complain about the excessive length of criminal proceedings brought against them for the theft of sheep and goats.

[Tarkoev and Others v. Estonia \(nos. 14480/08 and 47916/08\)](#)

The applicants are 45 retired servicemen of the Russian (Soviet) army who reside in Estonia, and are Russian or Estonian nationals. The case concerns their complaint about the authorities' refusal to pay them a state pension for a period of employment in the civil sector in Estonia unless they gave up their military pension paid by the Russian Federation. They rely on Article 14 (prohibition of discrimination) and Article 1 of Protocol No. 1 (protection of property).

[Darraj v. France \(no. 34588/07\)](#)

The applicant, Yassine Darraj, is a French national who was born in 1984 and lives in Asnières-sur-Seine (France). He was stopped in the street by the police in 2001, then aged 16, and was taken to the police station for an identity check. Less than two hours later he was transferred to hospital, where an examination revealed bruising on his right eye, wrist, back and scalp, numerous cuts on his face and neck and a fractured right testicle with bruising. The doctor certified him as unfit for work for 21 days. Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant complains that he was ill-treated at the police station. Under Article 5 § 1 (c) (right to liberty and security), he further alleges that he was arbitrarily arrested and handcuffed without being charged with any offence.

[Dervaux v. France \(no. 40975/07\)](#)

The applicant, Gérard Dervaux, is a French national who was born in 1945 and lives in Lutzelhouse (France). Relying on Article 1 of Protocol No. 1 (protection of property) he complains about the amount of the compensation paid to him for the expropriation, on public interest grounds, of a plot of farmland that belonged to him in Onnaing, whereas the land was then sold for twice the amount to a car manufacturer intending to use it for a factory.

[Katritsch v. France \(no. 22575/08\)](#)

The applicant, Vladlen Katritsch, is a Russian national who was born in 1970 and is currently imprisoned in Fresnes (France). He was prosecuted in France for burglary as part of a gang, together with illegal residence in France and forgery of a document. He was sentenced to one year in prison and exclusion from France for five years. Relying on Article 6 § 3 (b), (c) and (e) (right to a fair trial), he complains that he was not assisted by a lawyer or interpreter at the Court of Appeal hearing or for the preparation of his defence. He also complains about the lack of reasoning given by the Court of Appeal in respect of his sentence.

[Aleksandr Sokolov v. Russia \(no. 20364/05\)](#)

The applicant, Aleksandr Sokolov, is a Russian national who was born in 1965 and lived, before his arrest, in Lipetsk (Russia). In January 2005 he was found guilty of murder and sentenced to ten years' imprisonment in a high-security institution. Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), he alleges that when arrested by the police on 19 February 2004 he was repeatedly ill-treated until he finally confessed to the murder the next day. Notably he claims that he was beaten with a baseball bat, kicked and had his genitals burnt with a lighter as well as a bottle inserted in his anus. He further alleges that his detention between 19 and 20 February was unrecorded, in breach of Article 5 § 1 (right to liberty and security).

[Arefyev v. Russia \(no. 29464/03\)](#)

The applicant, Vitaliy Arefyev, is a Russian national who was born in 1981 and lived until his arrest in April 2003 in Teykovo (Ivanovo Region, Russia). In October 2003 he was convicted of aggravated robbery and sentenced to four years' imprisonment. Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 §§ 1 and 4 (right to liberty and security), he complains about the conditions and unlawfulness of his pre-trial detention in Ivanovo as well as the procedure to extend it.

[Bannikova v. Russia \(no. 18757/06\)](#)

The applicant, Natalya Bannikova, is a Russian national who was born in 1973 and lives in Kursk (Russia). Relying on Article 6 § 1 (right to a fair trial), she complains that her conviction in November 2005 of selling cannabis was unfair as she had been incited to commit the offence in a police undercover operation.

Just satisfaction

[Muminov v. Russia \(no. 42502/06\)](#)

The applicant, Rustam Muminov, is an Uzbek national who was born in 1965 and is apparently serving a five-year sentence of imprisonment in Uzbekistan for participation in the activities of a proscribed organisation. Apart from that conviction, there is no other reliable news about Mr Muminov. In a judgment of 11 December 2008, the Court held that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) on account of the applicant's expulsion from Russia to Uzbekistan in October 2006 as well as violations of Article 5 §§ 1 and 4 (right to liberty and security) concerning his detention with a view to his extradition to Uzbekistan. The question of the application of Article 41 (just satisfaction), reserved in that judgment for a later date, will be decided on 4 November 2010.

[Sultanov v. Russia \(no. 15303/09\)](#)

The applicant, Nabi Sultanov, is a Uzbek national who was born in Uzbekistan in 1979 and moved to Russia in March 2008. He was arrested there a few months later and placed in detention with a view to his extradition to Uzbekistan where he was on a wanted list for being a member of a radical extremist movement. He has since been released under house arrest. Relying in particular on Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 5 §§ 1 and 4 (right to liberty and security), he alleges that his extradition from Russia to Uzbekistan, where he faces politically motivated persecution by the local authorities, would expose him to a real risk of torture and ill-treatment and that his detention by the Russian authorities with a view to his extradition was unlawful. He also alleges that the wording of his extradition decision breached his right to be presumed innocent under Article 6 § 2 (right to a fair trial).

[Kovalchuk v. Ukraine \(no. 21958/05\)](#)[Samardak v. Ukraine \(no. 43109/05\)](#)

The applicants are two Ukrainian nationals: Vladimir Kovalchuk, born in 1974 and now deceased; and, Ivan Samardak, who was born in 1952 and lives in Lviv (Ukraine). Both cases concern ill-treatment by the police. Mr Kovalchuk alleges that he was ill-treated in September 2002 when held in police custody in order to make him confess to a murder; and, Mr Samardak that he was severely beaten and hung from a pipe in April 2002 when taken for questioning at a police station for playing with a knife at a bus stop. The criminal proceedings against Mr Kovalchuk were discontinued in December 2002 due to lack of evidence; Mr Samardak was released immediately after his questioning without his detention being recorded. Both applicants also complain that the investigations into their complaints of ill-treatment were ineffective. They rely on Article 3 (prohibition of inhuman or degrading treatment).

Repetitive cases

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

Eydelman and 11 other “Emigrant Pensions” cases v. Russia (nos. 7319/05, 9992/07, 10359/07, 13476/07, 3565/08, 10628/08, 33904/08, 33918/08, 40058/08, 42112/08, 42115/08 and 60792/08)

Pugach and Others v. Russia (nos. 31799/08, 53657/08, 53661/08, 53664/08, 53666/08, 53670/08, 53671/08, 53672/08 and 53673/08)

These two cases concern the quashing by way of supervisory review of final judgments in the applicants’ favour. They rely on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Length-of-proceedings case

In the following case, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of proceedings to which they were a civil party.

Kuhn v. Luxembourg (no. 53869/07)

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