



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 11 Chamber and Committee judgments on Tuesday 23 November 2010 and 17 on Thursday 25 November 2010.

Please note that the case **Greens and M.T. v. the United Kingdom** has been added.

*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 23 November 2010

[Moulin v. France \(application no. 37104/06\)](#)

The applicant, France Moulin, is a French national who was born in 1962 and lives in Toulouse (France). She is a lawyer. On 13 April 2005 she was arrested in Orleans and placed in police custody (on suspicion of breaching the secrecy of judicial investigations concerning a case of drug trafficking). She was transferred to Toulouse, where her office was searched. At the end of her detention in police custody, she was brought before a prosecutor, who ordered that she be held in prison with a view to her subsequent transfer to the investigating judges in Orleans. The latter, before whom she was presented on 18 April 2005, brought charges; she was remanded in custody by a liberties and detention judge. Relying, in particular, on Article 5 § 3 (right to liberty and security) of the European Convention on Human Rights, the applicant alleges that she was not "brought promptly" before "a judge or other officer authorised by law to exercise judicial power", given that she was held for five days (from 13 to 18 April 2005) before being brought before such a person; the representative of the prosecuting authorities did not, in her opinion, correspond to that description.

[Štetiar and Šutek v. Slovakia \(nos. 20271/06 and 17517/07\)](#)

The applicants are two Slovak nationals, Marián Štetiar and Rastislav Šutek, who were both born in 1977 and live in Slovakia. Arrested in 2005 on suspicion, in particular, of having damaged goods in a supermarket and of having insulted and punched a policeman, they were convicted in 2006 of a number of offences, including two counts of assaulting a public official and criminal damage. Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security) of the Convention, they complain in particular that no reasonable suspicion against them was established with a basis in admissible evidence to justify their detention; that they were not brought before a judge within 24 hours of their arrest as required under the applicable law; that the decisions in respect of their detention lacked adequate reasoning; and that the procedure concerning their appeal against their detention and their request for release was not speedy. They further allege that the decisions of the Constitutional Court dismissing their complaints against the decision not to release them violated Articles 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the Convention.

[Akalin v. Turkey \(no. 23480/06\)](#)

The applicant, Nuri Akalin, is a Turkish national who was born in 1977 and is currently detained in Kandira Prison (Turkey). Arrested in 1997 on suspicion of being a member of an illegal organisation, he was convicted in 2002 by a state security court of attempting to undermine the constitutional order under the criminal code in force at the time. His case was resumed after state security courts had been abolished in Turkey in 2004, but his request for release was dismissed and he was again convicted in April 2009. The appeal proceedings are still pending. Relying on Article 5 §§ 3 and 4 (right to liberty and security) the applicant complains of the length of his detention in police custody and of his pre-trial detention. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) he complains that the length of the criminal proceedings against him was unreasonable.

[Ciğerhun Öner v. Turkey \(No. 2\) \(no. 2858/07\)](#)

The applicant, Ciğerhun Öner, is a Turkish national who was born in 1989 and lives in İzmir (Turkey). He submits that in October 2001, when he was 12 years old, he was accused of theft and placed in police custody. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), he complains that he suffered ill-treatment while in police custody and that there was no effective investigation into his allegations. Criminal proceedings were instituted against the police officers in question in 2003 and are still under way. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), the applicant complains that the length of the proceedings is excessive.

[Greens and M.T. v. the United Kingdom \(nos. 60041/08 & 60054/08\)](#)

The applicants, Robert Greens and M.T., are British nationals who were both serving prison sentences at the relevant time in HM Prison Peterhead. Relying on Article 3 of Protocol no. 1 (right to free elections) they complain of the authorities' refusal to enrol them on the electoral register for domestic elections and for elections to the European Parliament. They further complain under Article 13 (right to an effective remedy).

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) of the excessive length of (non-criminal) proceedings. In the case of **Majan**, the applicant also relies on Article 1 of Protocol No. 1 (protection of property).

Brunová v. Slovakia (no. 9401/07)

J.V. and Others v. Slovakia (no. 41523/07)

Majan v. Slovakia (no. 8799/04)

Zarembová v. Slovakia (no. 7908/07)

Hakan Uslu v. Turkey (no. 21175/06)

Sadık Bilgin v. Turkey (no. 4038/06)

Thursday 25 November 2010

[Faber Firm and Jafarov v. Azerbaijan \(no. 3365/08\)](#)

The applicants are Faber Firm, a company with its office in Baku, and its founder and director, Sabir Jafarov, an Azerbaijani national who was born in 1958 and lives in Azerbaijan. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), they complain of the non-enforcement of a final judgment ordering the restoration of Faber Firm's right of use over a plot of land.

[Ivanov v. Bulgaria \(no. 27776/04\)](#)

The applicant, Vatro Ivanov, is a Bulgarian national who was born in 1939 and lives in Plovdiv (Bulgaria). Between 1997 and 2004 he was the subject of criminal proceedings (that were ultimately dropped) for alleged irregularities committed by him in his capacity as accountant of a public company. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the length of the proceedings.

[Mileva and Others v. Bulgaria \(nos. 43449/02 and 21475/04\)](#)

The applicants, Pepa Mileva, Meri Mileva, Hristo Evtimov (now deceased), Lilia Evtimova and Kalina Evtimova, are five Bulgarian nationals, members of two families, who were born in 1934, 1936, 1939, 1943 and 1977 respectively and live or lived in Sofia. Relying on Article 8 (right to respect for private and family life and home), they complain that the authorities did not take adequate measures to protect them from nuisances caused by the fact that one of the flats in their building was converted into a computer club, another into an electronic games club, and a third into an office. They further rely on Article 13 (right to an effective remedy) and Article 6 § 1 (right to a fair hearing within a reasonable time).

[Lilly France v. France \(No. 2\) \(no. 20429/07\)](#)

The applicant – the simplified joint-stock company Lilly France – is a pharmaceutical laboratory whose seat is in Suresnes (France). In 2001 it was assessed by URSSAF (the social-security-contribution collection agency) for supplementary income tax in excess of 4,900,000 euros. The company challenged the assessment in the courts, arguing in particular that the records drawn up during the inspection were flawed. Relying on Article 6 § 1 (right to a fair hearing), it complains of the immediate application to its case (and other pending cases) of a 2003 Act retroactively validating the flawed records.

[Amuyeva and Others v. Russia \(no. 17321/06\)](#)

The applicants in this case belong to two families. They are the parents, brother and wives of Adam Israilov, born in 1965, Turpal Israilov, born in 1972, and Aslanbek Israilov, born in 1971; and, the father of Aslanbek Dzhabrailov, born in 1968. They all live in the Chechen Republic (Russia). The applicants allege that their four relatives were extra-judicially executed by the military in February 2000 in the Urus-Martan district (the Chechen Republic). 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) and 13 (right to an effective remedy)

[Ivan Kuzmin v. Russia \(no. 30271/03\)](#)

The applicant, Ivan Kuzmin, is a Russian national who was born in 1973 and lives in Stavropol (Russia). Charged with assaulting a policeman during questioning in 2001, he was eventually acquitted in 2007. Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 5 § 1 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), he complains that he was beaten up while in police custody, that his custody was unlawful and that the criminal proceedings against him were excessively long.

[Matveyev v. Russia \(no. 10418/04\)](#)

The applicant, Nikolay Matveyev, is a Russian national who was born in 1958 and lives in Syktyvkar (Komi Republic, Russia). After the municipally-owned house in which he had been living with his family was flooded in 1998, he sought to be provided with a flat or to receive housing subsidy. 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), he complains

that the proceedings concerning those claims were excessively long and that the authorities failed to enforce a judgment of October 2003, which placed him on a waiting list for a State-funded housing allowance.

[Polovinkin v. Russia \(no. 4320/05\)](#)

The applicant, Vladimir Polovinkin, is a Russian national who was born in 1966 and lives in Moscow. A police officer at the time, in September 2004 he was sentenced to nine years in prison for embezzlement and abuse of power and was detained immediately. Relying on Article 5 §§ 1 and 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), he complains about having been detained for too long pending trial, about his detention between 23 and 28 February 2006 and between 23 May and 27 June 2006 having been unlawful, and the criminal proceedings against having lasted for too long.

[Roman Karasev v. Russia \(no. 30251/03\)](#)

The applicant, Roman Karasev, is a Russian national who was born in 1977 and lives in Kaliningrad (Russia). Since April 1999, he has been detained several times for, among other things, murder and robbery. Relying, in particular, on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), he complains about having being kept in inadequate conditions while detained on remand. Relying further on Article 6 § 1 (right to a fair hearing), he complains about the civil proceedings, in which he sought compensation for unlawful detention between October 2001 and August 2002, having been unfair.

[Lyubov Efimenko v. Ukraine \(no. 75726/01\)](#)

The applicant, Lyubov Efimenko, is a Ukrainian national who was born in 1941 and lives in Bakhchysaray (Crimea, Ukraine). Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), she complains about the Ukrainian authorities failure to conduct proper investigation into the circumstances of her son's death in 1993. She further complains about having suffered as a result of the long and ineffective investigation, and about not being able to obtain redress in respect of either of her complaints.

[Rudenko v. Ukraine \(no. 5797/05\)](#)

The applicant, Vladimir Rudenko, is a Ukrainian national who was born in 1947 and lives in Sevastopol (Ukraine). Detained in August 2002 on suspicion of illegal drug possession and attempted drug smuggling, the related criminal proceedings against him remain pending. Relying, in particular, on Article 5 §§ 1, 3 and 4 (right to liberty and security), he complains about having been detained unlawfully and for too long pending trial, and about the absence of adequate judicial review of the lawfulness of his detention. She further relies on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy).

Repetitive cases

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

Serafimidis v. Greece (no. 12929/08)

Davydov v. Russia (no. 16621/05)

These cases concern, in particular, the applicants' complaints concerning the excessive length of criminal proceedings against them for living off immoral earnings (Serafimidis case) and misappropriation of funds (Davydov case). They rely on 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 under Article 6 § 1 (right to a fair hearing within a reasonable time) of the excessive length of (non-criminal) proceedings. In the cases of **Antoni** and **Sakkatos and Others** the applicants also rely on Article 13 (right to an effective remedy).

Antoni v. Czech Republic (no. 18010/06)

Sakkatos and Others v. Greece (no. 51408/07)

Yilmaz v. Greece (no. 13902/08)

Olkhovikova v. Ukraine (no. 36002/08)

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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.