



Judgments concerning France and Ukraine

The European Court of Human Rights has today notified in writing the following two Chamber judgments, none of which are final¹.

Josseume v. France (application no. 39243/10) (judgment in French)

The applicants, Rémy Josseume and Alexis Josseume, are French nationals who were born in 1977 and 2002 respectively and live in Gambais (France). They are father and son. A vehicle owned by the father and registered in the son's name received a penalty for a parking offence. The applicants applied to the appropriate official of the prosecution service for exemption from the penalty. The official refused their request and later informed them that their case would be referred to the Police Court. After nevertheless receiving a demand to pay an increased fixed penalty, the applicants lodged a complaint with the prosecution service official, who gave no reply. The first applicant paid the sum demanded after his son had been served with a formal notice to pay. Relying on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights, the applicants complained that they had not had access to a court.

Violation of Article 6 § 1

Just satisfaction: the applicants did not submit their claim for just satisfaction at the appropriate stage of the proceedings.

Slyusar v. Ukraine (no. 34361/06) (judgment in English)

The applicant, Dmytro Slyusar, is a Ukrainian national who was born in 1981 and lives in Hurstville (Australia). In February 2006 he was detained for three days by Kyiv police on suspicion of murder. Mr Slyusar alleged that the ensuing proceedings he had brought to challenge the alleged unlawfulness of this detention had been unfair. He complained in particular that he had not been able to make submissions or contest the prosecutor's arguments at the appeal hearing in his case as he had been given the wrong hearing date. He relied on Article 6 § 1 (right to a fair trial).

Violation of Article 6 § 1

Just satisfaction: no claim made by the applicant within the time-limit

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

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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.