



Chamber judgments¹ concerning the Czech Republic, Germany, Russia and Ukraine

The European Court of Human Rights has today notified in writing the following 26 Chamber judgments, available only in English.

Repetitive cases² and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release.

Benet Czech, Spol. S R.O. v. the Czech Republic (application no. 31555/05)

The applicant, Benet Czech spol. s r.o., is a limited liability company incorporated under Czech law with its registered seat in Prague. Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, the applicant company complained about the seizure of its financial assets following criminal proceedings for tax evasion brought against its former manager and sole shareholder.

No violation of Article 1 of Protocol No. 1

Beloborodov v. Russia (no. 11342/05)

The applicant, Dimitriy Beloborodov, is a Russian national who was born in 1975 and lived, prior to his arrest, in Novotroitsk (Orenburg Region, Russia). Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he alleged that he had been beaten, hit with a chair and hung up with handcuffs when taken into police custody on suspicion of drug dealing. He further alleged that the investigation into his complaints of ill-treatment had been inadequate.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 3 (lack of effective investigation)

Just satisfaction: 21,000 euros (EUR) (non-pecuniary damage)

Maryin v. Russia (no. 1719/04)

The applicant, Konstantin Maryin, is a Russian national who was born in 1983 and lives in Saransk (Republic of Mordoviya, Russian Federation). Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he alleged that a remand prison guard had beaten him with a rubber truncheon during his detention pending trial on rape

1 Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its 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.

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

2 In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

charges. He also alleged that the ensuing investigation into his allegation of ill-treatment had been inadequate. He was ultimately convicted in March 2006 and sentenced to three years' imprisonment.

No violation of Article 3

Petr Korolev v. Russia (no. 38112/04)

The applicant, Petr Korolev, is a Russian national, now deceased, who was born in 1951 and lived in Vladivostok (Russia). He was employed as a crew member of the medium tanker Argun and sent on trade missions abroad. Relying in particular on Article 6 § 1 (right to a fair hearing within a reasonable time), he complained about the excessive length of criminal proceedings brought against him by the Russian authorities for fraud with regard to claims he had brought before the South African courts for unpaid wages.

No violation of Article 6 § 1

Ivanov and Dimitrov v. "the former Yugoslav Republic of Macedonia" (no.46881/06)

The applicants, Vasko Ivanov and Lazo Dimitrov, are two Macedonian nationals who live in "the former Yugoslav Republic of Macedonia". They were born in 1960 and 1962 and live in Karbinci and Štip respectively. Former wardens at a State-run weekend retreat, they complained in particular about the excessive length of proceedings they had brought concerning their claims to payment of benefits. They relied on Article 6 § 1 (right to a fair hearing within a reasonable time).

(First applicant) Violation of Article 6 § 1 (length)

Just satisfaction: EUR 1,600 (non-pecuniary damage) and EUR 250 (costs and expenses)

Bilyy v. Ukraine (no. 14475/03)

The applicant, Valentyn Bilyy, is a Ukrainian national who was born in 1977 and is currently serving a four-and-a-half-year prison sentence in Mykolayiv (Ukraine) for theft of firearms. A former police officer, Mr Bilyy alleged that he had been ill-treated when arrested on suspicion of murdering another police officer and that the investigation into his allegation had been inadequate. In this respect he relied in particular on Article 3 (prohibition of inhuman or degrading treatment). Further relying on Article 5 §§ 1 and 3, he also complained about the unlawfulness and excessive length of his detention on remand. Lastly, he also complained about the excessive length – over five years – of the criminal proceedings against him, in breach of Article 6 § 1 (right to a fair trial within a reasonable time).

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 3 (lack of effective investigation)

Two violations of Article 5 § 1

Violation of Article 5 § 3

Violation of Article 6 § 1 (length)

Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 150 (costs and expenses)

Diya 97 v. Ukraine (no. 19164/04)

The applicant, Diya 97, is a Ukrainian company registered under Ukrainian law with its office in Kyiv. The case concerned the alleged unfairness of commercial proceedings brought by the applicant company against State bailiffs claiming that they had inappropriately enforced a notary's writ of execution in the company's favour with regard to some real estate. The company relied on Article 6 § 1 (right to a fair hearing).

Violation of Article 6 § 1 (fairness)

Just satisfaction: dismissed

Kornev and Karpenko v. Ukraine (no. 17444/04)

The applicants are Denis Kornev and his mother, Larisa Karpenko, two Ukrainian nationals who were born in 1984 and 1951 respectively, and live in Kharkiv (Ukraine). Relying on Article 5 § 3 (right to liberty and security), Mr Kornev complained that, arrested in May 2003 on suspicion of supplying drugs, he had been kept in custody for eight days before being brought before a judge. He further alleged that his ensuing conviction had been unfair as he had not been given the opportunity to question the main witness against him, in breach of Article 6 § 3 (d) (right to obtain attendance and examination of witnesses). His mother, who had been found guilty of contempt of court on 2 December 2003 and sentenced to 15 days' administrative detention – later replaced by a fine – for entering the office of the judge dealing with her son's case with a support group and refusing to leave, complained that she had not been given adequate time and facilities to prepare her defence, in breach of Article 6 §§ 1 and 3 (b) (right to a fair trial).

(First applicant) Violation of Article 5 § 3

(First applicant) Violation of Article 6 § 3 (d)

(Second applicant) Violation of Article 6 § 1 together with Article 6 § 3 (b)

Just satisfaction: EUR 800, to Mr Kornev (non-pecuniary damage) and EUR 2,000, jointly (costs and expenses)

Petukhov v. Ukraine (no. 43374/02)

The applicant, Vladimir Petukhov, is a Ukrainian national who was born in 1973 and is currently serving a life sentence in Sokalska Correctional Colony (Ukraine) for murder and robbery. Suffering from tuberculosis and a multiple fracture of his left thigh caused by a gunshot wound, Mr Petukhov complained about inadequate medical care in detention. He relied on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy). He further complained under Article 5 §§ 1 and 3 about the unlawfulness and excessive length of his detention on remand. Lastly, further relying on Article 6 § 1 and Article 13, he complained in particular about the excessive length of the criminal proceedings against him and the lack of an effective remedy in respect of that complaint.

Violation of Article 3

Violation of Article 5 §§ 1 and 3

No violation of Article 6 § 1 (length)

Violation of Article 13 (effective remedy regarding the allegation of inhuman or degrading treatment)

No violation of Article 13 (effective remedy regarding the allegation of excessive length of proceedings)

Just satisfaction: EUR 8,000 (non-pecuniary damage)

Zhuk v. Ukraine (no. 45783/05)

The applicant, Viktor Zhuk, is a Ukrainian national who was born in 1958 and lives in Kyiv. Found guilty of drug dealing in April 2005 and sentenced to six years' imprisonment, Mr Zhuk complained that his conviction had been unlawful as the Supreme Court had examined his appeal on points of law in his absence. He relied on Article 6 § 1 (right to a fair trial).

Violation of Article 6 § 1 (fairness)

Just satisfaction: EUR 1,200 (non-pecuniary damage)

Repetitive cases

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

Akhmatova v. Russia (no. 22596/04)

This case concerned the applicant's complaints about the excessive length and unfairness of civil proceedings with regard to an employment dispute. She relied on Article 6 § 1 (right to a fair hearing within a reasonable time).

Violation of Article 6 § 1 (length)

Violation of Article 6 § 1 (fairness)

Karasev v. Russia (no. 35677/05)

Polomoshnikov v. Russia (no. 33655/04),

These cases concerned in particular the applicants' complaints concerning the excessive length of criminal proceedings brought against them for causing grievous bodily harm. They relied on Article 6 § 1 (right to a fair trial within a reasonable time).

(Both cases) Violation of Article 6 § 1 (length)

Koloskova v. Russia (no. 53051/08)

Zavedyeva and two other "Privileged pensioners" cases v. Russia

(nos. 33201/08, N° 49557/08 and N° 51501/08)

These two cases concerned the quashing of final judgments in the applicants' favour. They relied on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property). The second case included 539 applications; it is one of the biggest series of cases in the Court's history.

(Both cases) Violation of Article 6 § 1 (fairness)

(Both cases) Violation of Article 1 of Protocol No. 1

Lenchenkov and Others v. Russia (nos. 16076/06, 42096/06, 44466/06 and 25182/07)

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

Violation of Article 6 § 1 (fairness)

Violation of Article 1 of Protocol No. 1

Length-of-proceedings cases

Ewald v. Germany (no. 2693/07)

Grumann v. Germany (no. 43155/08)

Niesen v. Germany (no. 32513/08)

Schliederer v. Germany (no. 2651/07)

Träxler v. Germany (no. 32936/09)

Alexakis v. Greece (no. 23377/08)

Schadler and Others v. Liechtenstein (no. 32763/08)
Dzhigarkhanov v. Russia (no. 38321/03)
Sevostyanova v. Russia (no. 4665/04)
Oleksandr Palamarchuk v. Ukraine (No. 2) (no. 17156/05)

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

Violation of Article 6 § 1 – all cases
Violation of Article 13 – 5th and 6th cases

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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.