



## Judgments concerning Slovenia and Ukraine

The European Court of Human Rights has today notified in writing the following five judgments, three of which (in italics) are Committee judgments and are final. The others are Chamber judgments and are not final<sup>1</sup>.

Repetitive cases<sup>2</sup> and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release. The judgments are available only in English.

### Tsygoniy v. Ukraine (application no. 19213/04)

The applicant, Vladimir Tsygoniy, is a Ukrainian national who was born in 1976 and lives in Yevpatoriya (Ukraine). Found guilty of drug dealing and sentenced to five years' imprisonment in July 2005, Mr Tsygoniy complains about unbearable conditions of detention between February and August 2004, notably on account of overcrowding and lack of hygiene as well as of daily exercise. He also alleged that he had contracted pneumonia and scabies in 2004 and that, when taken to hospital to be treated, he was handcuffed to his bed for the duration – 16 days – of his stay there. He relied on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) of the European Convention on Human Rights. Further relying on Article 5 § 1 (c), 3 and 4 (right to liberty and security) of the Convention, he also complained about the unlawfulness and excessive length of his detention pending trial and that he had no opportunity to bring proceedings to have the lawfulness of his detention decided speedily.

**Violation of Article 3** (conditions of detention)

**Violation of Article 5 § 1** (in respect of the lawfulness of the applicant's detention between 25 July 2004 and 1 July 2005)

**Violation of Article 5 § 3** (in respect of the excessive length of the applicant's detention)

**Violation of Article 5 § 4** (in respect of the lack of opportunity for the applicant to obtain meaningful review of the lawfulness of his detention in the period between 31 August 2004 and 1 July 2005)

**Violation of Article 13** (in respect of the applicant's complaint about the conditions of his detention)

**Just satisfaction:** EUR 10,000 (non-pecuniary damage)

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<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

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

## Zagorodniy v. Ukraine (no. 27004/06)

The applicant, Aleksandr Zagorodniy, is a Ukrainian national who was born in 1962 and lives in the town of Dimitrov (Ukraine). Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial), he complained about the unfairness of criminal proceedings brought against him following his involvement in a road traffic accident. He complained in particular that the authorities refused to let him have the defence counsel of his choice, namely a private practice lawyer instead of a licensed advocate.

### Violation of Article 6 §§ 1 and 3

**Just satisfaction:** EUR 250 (costs and expenses)

## Length-of-proceedings cases

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

***Grebenc v. Slovenia*** (nos. 22174/06 and 24341/06)

***Chernysh v. Ukraine*** (no. 53443/07)

The applicants in these two cases complained about the excessive length of proceedings for compensation following the death of their brother (***Grebenc***) and husband (***Chernysh***) in traffic accidents.

**Violation of Article 6 § 1** (in the two cases above)

**Violation of Article 13** (in the case of ***Grebenc***)

***Palamarchuk v. Ukraine*** (no. 17842/08)

This case concerned proceedings with regard to a consumer dispute.

**Violation of Article 6 § 1**

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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.