



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 16 judgments on Thursday 10 May 2012.

*Press releases and texts of the judgments will be available at **10 a.m.** (local time) on the Court's Internet site (www.echr.coe.int)*

Thursday 10 May 2012

Aigner v. Austria (no. 28328/03)

The applicant, Johann Aigner, is an Austrian national who was born in 1954 and lives in Graz (Austria). Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial and to obtain attendance and examination of witnesses) of the European Convention on Human Rights, he alleges that criminal proceedings brought against him for attempted rape were unfair. Notably, he claims that the Austrian courts refused to grant his request for a further examination of the key witness against him, on the basis of which his conviction and sentencing to four years' imprisonment in April 2003 was founded.

A.L. v. Austria (application no. 7788/11)

The applicant, A.L., is a Togolese national who was born in 1988 and currently lives in Salzburg (Austria). He arrived at Vienna airport in November 2008 and immediately claimed asylum. His application was dismissed in May 2010 and his expulsion ordered. A member of the opposition political party in Togo (*Union des Forces de Changement*), he alleges that, if returned to Togo, he would be at risk of persecution and even death. In particular, he claims that he was threatened by soldiers in Togo in August 2008 during protests organised in a camp for flood victims because of an unequal distribution of relief items. He further complains that another Togolese man had cited similar reasons for fleeing Togo but he had been granted asylum in 2009. He relies on Article 3 (prohibition of inhuman and degrading treatment) and Article 13 (right to an effective remedy) of the Convention.

Rahmani and Dineva v. Bulgaria (no. 20116/08)

The applicants, Ahmed Rahmani, an Algerian national, and Dimka Dineva, a Bulgarian national, were born in 1964 and 1959 respectively and live in Stara Zagora (Bulgaria). A married couple, they complain about Mr Rahmani's detention pending execution of the removal order issued against him on the ground that he was unlawfully present in the country. They allege that the detention was in breach of Article 8 (right to respect for private and family life) and of Article 5 (right to liberty and security), in that it had been excessively long (Article 5 § 1 f)) and that there had been no effective remedy available in order to challenge its lawfulness (Article 5 § 4). Under Article 8, the applicants also complain that the decision to deport Mr Rahmani had interfered with their private and family life.

Madah and Others v. Bulgaria (no. 45237/08)

The applicants are Mohammad Rasoul Madah, an Iranian national, his partner, Maria Kerkenezova, and their son, Daniel Mohammad Rasoul Madah, both Bulgarian nationals. They were born in 1965, 1973 and 2006 respectively. Granted a permanent residence

permit in Bulgaria in 2001, Mohammad Rasoul Madah subsequently met and started living with Ms Kerkenezova, with whom he had a son, the third applicant. In December 2005 his expulsion was ordered on national security grounds, namely an accusation of involvement in drug trafficking for the purpose of financing a Kurdish separatist group. The expulsion order was endorsed in 2008 by the Supreme Administrative Court and is still pending against him. Relying on Articles 3 (prohibition of inhuman and degrading treatment), 8 (right to respect for private and family life) and 13 (right to an effective remedy), the applicants complain about the deportation order against Mohammad Rasoul Madah, alleging in particular that it would breach their right to respect for their family life and would put him at risk of ill-treatment or even the death penalty in Iran, given the offences of which he stood accused.

[Liartis v. Greece \(no. 16906/10\)](#)

The applicant, Anastasios Liartis, is a Greek national who was born in 1968 and is currently held in the Tirynta Prison Farm. He has a benign brain tumour and suffers from acute back pain, and complains that he has received inadequate medical treatment for his health problems while in detention. He also alleges that there is no effective remedy available to complain about these shortcomings. He relies on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy).

[Sud Fondi Srl and Others v. Italy \(no. 75909/01\)](#)

[Just satisfaction](#)

The applicants, Sud Fondi s.r.l, Mabar s.r.l and Iema s.r.l, are three Italian companies. In a judgment of 20 January 2009, the Court found that the applicants' assets had been confiscated in an arbitrary manner, in violation of both Article 7 of the Convention and Article 1 of Protocol No. 1. The applicants claim just satisfaction in respect of pecuniary damage and non-pecuniary damage, and for costs and expenses. The Court reserved the question of the application of Article 41 (just satisfaction), which will be examined in a judgment to be delivered on 10 May 2012.

[Albu and others v. Romania \(no. 34796/09\)](#)

The case concerns the alleged conflicting case-law of the Romanian courts when granting wage-related allowances to civil servants. The applicants, 64 Romanian nationals, are all civil servants employed by the Caraş Severin District Employment Agency. Relying in particular on Article 6 (right to a fair trial) and Article 14 (prohibition of discrimination), they allege that the proceedings concerning their claims for grade and salary-step allowances were unfair, in that the courts had not taken into consideration other rulings on similar claims brought by their fellow civil servants across the country in which such allowances were granted.

[Frasila and Ciocirlan v. Romania \(no. 25329/03\)](#)

The applicants, Petru Frasilă and Lucica Ciocirlan, are Romanian nationals who were born in 1957 and 1972 and live in Piatra-Neamţ (Romania) and Jakobstad (Finland) respectively. They are journalists, and complain that they were unable to enter the editors' offices in the radio station where they worked, as the authorities failed to assist them in ensuring execution of a final judicial decision ordering third persons to grant them access to those premises. They rely on Article 10 (freedom of expression) and claim to have been prevented from carrying out their work as journalists.

[R.I.P. and D.L.P. v. Romania \(no. 27782/10\)](#)

The applicants, R.I.P. and D.L.P., a brother and sister, are Romanian nationals who were born in 1997 and 2000 respectively and live in Slatina (Romania). As underage children, they have applied to the Court through their mother, and complain about the lack of an effective investigation into the accusation of rape made by their mother against their

paternal grandfather in 2004, when the girl was seven years old and her brother three. Relying on Article 3 (prohibition of inhuman or degrading treatment, Article 6 (right to a fair hearing) and Article 8 (right to respect for private and family life), they complain in particular about the length of the investigation, which was still pending in 2011, in spite of evidence confirming the allegation of sexual aggression, and allege that they have not been regularly informed about the progress of the investigation.

[Bezrukovy v. Russia \(no. 34616/02\)](#)

The applicants, Lyudmila and Irina Bezrukova, mother and daughter, are two Russian nationals who were born in 1950 and 1976, respectively. They live in Voronezh (Russia). They complain that a final judgment in their favour of December 2004 – concerning a claim against a Russian bank for the refund of deposits – was not enforced in good time and was quashed in March 2006 when the deadline for appeal was extended. They rely on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

[Chelikidi v. Russia \(no. 35368/04\)](#)

The applicant, Larisa Chelikidi, is a Russian national, who was born in 1956 and lives in Georgiyevsk (Russia). In 2001, she brought civil proceedings against a collective farm seeking to recover 100 tons of sunflower seeds it had agreed to supply her with. She then lodged a claim for compensation against the Ministry of Finance in which she complained about the excessive length of those proceedings. Relying on Article 6 § 1 (right of access to court) and Article 13 (right to an effective remedy), she complains that the courts dismissed this claim for compensation without considering its merits.

[Glotov v. Russia \(no. 41558/05\)](#)

The applicant, Aleksey Glotov, is a Russian national, who was born in 1973 and lives in Moscow. Relying on Article 3 (prohibition of inhuman and degrading treatment), he complains about the conditions of his detention in Moscow remand prison from March to October 2005. In particular, he alleges that he had to live, sleep and use the toilet in a severely overcrowded cell for 24 hours a day, with the exception of one hour's daily outdoor exercise.

[Putintseva v. Russia \(no. 33498/04\)](#)

The applicant, Svetlana Putintseva, is a Russian national, who was born in 1964 and lives in the town of Beloyarskiy in the Tyumen Region (Russia). Relying on Article 2 (right to life) and Article 13 (right to an effective remedy), she alleges that her son, Valeriy Putintsev, placed in a disciplinary cell in punishment for absence without leave during his mandatory military service, died on 27 February 2002 from injuries caused by a junior sergeant who fired at him when he attempted to escape. She also alleges that the authorities' response to the incident was inadequate.

[Ozgurluk Ve Dayanisma Partisi \(ODP\) v. Turkey \(no. 7819/03\)](#)

The applicant, Özgürlük Ve Dayanışma Partisi ("the ÖDP", the Freedom and Democracy Party), is a Turkish political party based in Ankara. The case concerns its funding by the State. Relying on Articles 9 (right to freedom of thought, conscience and religion), 10 (freedom of expression), 11 (freedom of assembly and association) and 14 (prohibition of discrimination), the applicant party alleges that, by refusing to grant it the financial assistance provided for in the Constitution and awarded to other parties, on the ground that it obtained less than 7% of the votes cast in previous legislative elections, the State discriminated against it, placed it at a disadvantage in the 1999, 2002 and 2007 election campaigns and infringed the free expression of the opinion of the people in the choice of the legislature.

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of (non-criminal) proceedings.

Kotsev and Ermenkova v. Bulgaria (no. 33864/03)

Tsygankov v. Ukraine (no. 27552/08)

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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.