



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 32 judgments on 17 April 2012 and 8 judgments on 19 April 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)*

Tuesday 17 April 2012

Steininger v. Austria (no. 21539/07)

The applicant, company Franz Steininger, is a cattle and pig slaughter business based in Ernstbrunn (Austria). In May 2006 it was ordered to pay outstanding contributions for agricultural marketing charges, plus surcharges. Relying on Article 6 § 1 (right to a fair trial – right of access to court) of the European Convention on Human Rights, the applicant company complains that there was no tribunal or hearing in the proceedings concerning the decision to impose surcharges.

Rizvanov v. Azerbaijan (no. 31805/06)

The applicant, Sarvan Samad oglu Rizvanov, is an Azerbaijani national who was born in 1966 in Gabala, Azerbaijan and lives in Germany. A former journalist, he alleges that a police officer hit him with a truncheon in November 2005 while he was covering a demonstration in Baku held by a group of opposition political parties. He also alleges that the ensuing investigation into the incident was ineffective. He relies on Article 3 (prohibition of inhuman or degrading treatment; effective investigation) and Article 13 (right to an effective remedy).

Sarkizov and Others v. Bulgaria (no. 37981/06)

The applicants, Dimitar Alexandrov Sarkizov, Vasil Petrov Vasilev, Dimitar Petkov Petkov and Kiril Dimitrov Marinkov, are Bulgarian nationals who were born in 1973, 1974, 1978 and 1967 respectively. The first three applicants live in Pazardzhik (Bulgaria) and the fourth in Lozen (Bulgaria). The case concerns their complaint that their conviction in March 2006 of sexual procurement was based to a decisive degree on the testimony of three anonymous witnesses, namely the women they had allegedly incited into prostitution, and that the applicants' defence rights had therefore been unacceptably restricted. They rely on Article 6 §§ 1 and 3 (d) (right to a fair trial – right to obtain attendance and examination of witnesses). Further relying on Article 2 of Protocol No. 4 (freedom of movement), Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy), Mr Vasilev and Mr Marinkov also complain that, having served three and five years of imprisonment respectively, they were banned from leaving the country on being released.

Melis v. Greece (no. 30604/07)

Just satisfaction

The applicant, Nikolaos Melis, is a United States national of Greek origin, who was born in 1929 and lives in New York (United States of America). Relying on Article 6 § 1 (right of access to a court), he complained that his application to reopen civil proceedings which, in his view, had been flawed as a result of false evidence (given by a witness who had been convicted on that account) had been rejected as being out of time. In a judgment on the merits, of 22 July 2010, the Court found that there had been a violation

of Article 6 § 1. Today's judgment concerns the question of just satisfaction under Article 41.

[J.L. v. Latvia \(no. 23893/06\)](#)

The applicant, Mr J.L., is a Latvian national who was born in 1980. The case concerns his complaint that, while he was serving a three-year-and-nine-month prison sentence for misappropriation, the prison authorities refused to investigate his allegation that he was assaulted and raped in January 2006 by fellow prisoners for having co-operated with the police in another criminal case. He relies on Article 3 (prohibition of inhuman and degrading treatment; effective investigation) and Article 13 (right to an effective remedy).

[Culev v. Republic of Moldova \(no. 60179/09\)](#)

The applicant, Vasile Culev, is a Moldovan national who was born in 1961 and is currently serving a seven-year-and-two-month prison sentence in Chişinău for various offences, including forgery, possessing marijuana and selling counterfeit foreign currency. Relying on Article 3 (prohibition of inhuman and degrading treatment; conditions of detention), Mr Culev complains about the inhuman conditions of his detention, in particular on account of overcrowding. Further relying on Article 5 (right to liberty and security), he also complains that the national courts did not deduct from his prison term the time he had spent in detention pending trial.

[Tomic and Others v. Montenegro \(no. 18650/09\)](#)

The applicants, Miodrag Tomić, Čedomir Čabarkapa, Aleksandar Đukanović, Miraš Furtula, Dragica Piper, Srđan Piper, Mirela Piper, Nenad Zindović, Zoran Ulićević, Dragoljub Milačić, Vaso Jovanović and Zoran Raković are 12 Montenegrin nationals who were born in 1956, 1958, 1948, 1950, 1954, 1987, 1993, 1962, 1954, 1956, 1962 and 1966 respectively. Employees of Podgorica Aluminium Plant, they were all declared unfit for their jobs partly due to a work-related illness and made redundant in November 2005. The case concerns the domestic courts' rejection of their ensuing claims, in which they sought the difference between their disability pension and the salary they would have received if they had not been made redundant. In particular, they allege that their claims were rejected whereas identical claims brought by some of their colleagues were allowed. They rely in particular on Article 6 § 1 (right to a fair trial).

[Horych v. Poland \(no. 13621/08\)](#)

[Piechowicz v. Poland \(no. 20071/07\)](#)

Both cases concern a regime in Polish prisons for detainees who are classified as dangerous. The applicant in the first case, Andrzej Horych, is a Polish national who was born in 1957 and is currently detained in Warsaw Mokotów Remand Centre for various drug-related offences committed in an armed organised criminal group. The applicant in the second case, Mirosław Piechowicz, is a Polish national who was born in 1977 and lives in Lublin (Poland). Since 2006 he has had three sets of criminal proceedings brought against him on various drug-trafficking, robbery and theft charges. Most recently, in June 2011, he was convicted of leading an organised criminal group which distributed large amounts of drugs, and sentenced to five years' imprisonment. He was released on bail in July 2010 and those proceedings are currently still pending on appeal. Both men allege that the "dangerous detainee" regime to which they are/were subjected during their detention was inhuman and degrading and breached their right to private and family life. They notably complain about their solitary confinement, humiliating daily strip-searches, excessive restrictions on contact with family and other detainees, censorship of their correspondence and constant monitoring of their cells via close-circuit television. They rely on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life). Further relying on Article 5 §§ 3 and 4 (right

to liberty and security), Mr Piechowicz also complains that he was kept in pre-trial detention for more than four years without valid reasons and that the proceedings concerning the extension of his pre-trial detention (for setting up an organised criminal group) were not adversarial as he had been refused access to the investigation file.

[Mamelka v. Poland \(no. 16761/07\)](#)

The applicant, Wieńczysław Mamelka, is a Polish national who was born in 1962 and lives in Łódź (Poland). Relying on Article 5 § 1 (right to liberty and security), he complains that it took seven days to release him from prison – where he was serving a sentence for offences committed as a member of an organised criminal gang – despite a court decision in February 2007 granting him conditional release.

[Fafrowicz v. Poland \(no. 43609/07\)](#)

The applicant, Robert Fafrowicz, is a Polish national who was born in 1971 and lives in Nowy Sącz (Poland). Relying on Article 6 § 1 (right to a fair trial) and 6 § 3 (d) right to a fair trial – right to obtain attendance and examination of witnesses), he complains about the unfairness of proceedings brought against him for offering and selling drugs. He notably alleges that he was not given the opportunity to cross-examine the main witness, a minor, whose evidence served to convict him in November 2006.

[Pascal v. Romania \(no. 805/09\)](#)

The applicant, David Denis Pierre Pascal, is a French national who was born in 1976 and lives in Cluj Napoca (Romania). The case concerns his complaint about the non-enforcement of court decisions granting him visiting rights to his 8-year-old daughter since divorcing her mother in 2007. He relies on Article 8 (right to respect for private and family life).

[Estamirova v. Russia \(no. 27365/07\)](#)

The applicant, Sovman Estamirova, is a Russian national who was born in 1959. At the time of the events she lived in Argun; she currently lives in Noybera (Chechnya). She is the wife of Asradiy Estamirov who was wounded and died in January 2001 during an intense exchange of fire between a military convoy and unidentified people, while he happened to be standing at a street corner in Argun. Relying on Article 2 (right to life) and Article 13 (right to an effective remedy), Ms Estemirova alleges that her husband was killed by Russian servicemen and that the authorities failed to carry out an effective investigation into his alleged killing. Relying also on Article 3 (prohibition of inhuman and degrading treatment), she complains that her husband's death caused her psychological suffering.

[Ilyushkin and Others v. Russia \(nos. 5734/08, 20420/07, 54342/08, 56997/08, 60129/08, 4561/09, 7738/09, 11273/09, 11993/09, 16960/09, 20454/09, 21964/09, 26632/09, 28914/09, 31577/09, 31614/09, 31685/09, 32395/09, 35053/09, 36327/09, 38180/09, 45131/09, 48059/09, 52605/09, 56935/09, 58034/09, 59761/09, 1048/10 et 1119/10\)](#)
[Kalinkin and Others v. Russia \(nos. 16967/10, 37115/08, 52141/09, 57394/09, 57400/09, 2437/10, 3102/10, 12850/10, 13683/10, 19012/10, 19401/10, 20789/10, 22933/10, 25167/10, 26583/10, 26820/10, 26884/10, 28970/10, 29857/10, 49975/10 et 56205/10\)](#)

The 31 applicants in the first case are Russian nationals. 28 live in different parts of Russia, 2 in Moldova and one in Ukraine. The 21 applicants in the second case are 19 Russian nationals, who live in different parts of Russia, and 2 Ukrainian nationals who

live in Sebastopol in Ukraine. At the end of their military careers judgments were pronounced in their favour acknowledging their right to proper housing, but the judgments were not enforced. Relying on Articles 13 (right to an effective remedy) and 6 (right to a fair hearing) and on Article 1 of Protocol No. 1 (protection of property), they complain in particular about the failure to enforce final judgments in their favour. Relying on Article 13, some applicants complain about the lack of domestic remedies in respect of the failure to enforce the judgments. They allege in particular that the new law on compensation in the event of delays in the execution of judicial decisions against the State, enacted on 4 May 2010, was not applicable to cases of failure to execute judgments ordering the provision of housing.

[Grudić v. Serbia \(no. 31925/08\)](#)

The applicants, Ljutvija Grudić and Mahmut Grudić, husband and wife, are Serbian nationals of Bosniak origin who were born in 1952 and 1948, respectively. They lived in Kosovska Mitrovica for many years, until 2005, when they moved to Novi Pazar (Serbia). Granted disability pensions by the Serbian Pensions and Disability Insurance Fund respectively in 1995 and 1999, they stopped receiving their pensions in 1999 and 2000. While initially the authorities did not provide any reasons for that, they later explained that pensions could no longer be paid to the applicants because the Serbian authorities had stopped collecting insurance contributions in Kosovo as of its placement under international administration in 1999. Relying on Article 1 of Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination), Mr and Mrs Grudić complain about the State's unwillingness to continue paying their pensions, as well as about them being discriminated against because of their ethnic minority status.

[Catal v. Turkey \(no. 26808/08\)](#)

The applicant, Hasan Çatal, is a Turkish national who was born in 1962 and lives in Tokat (Turkey). Arrested in March 1997 on suspicion of being a member of an illegal organisation and taking part in a bank robbery, he was detained awaiting trial and was later charged with attempting to overturn the constitutional system by force. Relying on Article 5 §§ 3 and 4 (right to liberty and security), Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), Mr Çatal complains that his pre-trial detention was too long, that his requests for release were rejected on purely formal grounds, that he could not effectively challenge his continued detention, and that the criminal proceedings against him were too long.

Repetitive cases

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

Jomiru and Cretu v. Moldova (no. 28430/06)

The applicants, Mrs Ana Jomiru, Mr Corneliu Crețu, Mr Iulian Crețu and Mrs Liliana Jomiru, are Moldovan nationals who were born in 1949, 1975, 1983 and 1987 respectively and live in Chișinău (Moldova). The first applicant is the mother of the other three applicants. They submit that the questioning of final decisions in their favour pronounced by the Court of Appeal and the Supreme Court of Justice was contrary to the principle of legal certainty and violated their right to respect for their property. They rely on Article 6 § 1 (right to a fair hearing – legal certainty) and on Article 1 of Protocol No. 1 (protection of property).

Inotlewski v. Poland (no. 22668/09)

Kedra v. Poland (no. 57944/08)

Korgul v. Poland (no. 35916/08)

Tomczykowski v. Poland (no. 34164/05)

In the above four cases, all the applicants complain that they were denied access to the Supreme Administrative Court on account of difficulties with lodging cassation appeals in their cases. They rely on Article 6 § 1 (right of access to court).

Simonov v. Poland (no. 45255/07)

The applicant in this case complains about the excessive length of his pre-trial detention on suspicion of fraud and incitement to murder. He relies on Article 5 § 3 (right to liberty and security).

Hermeziu v. Romania (no. 13859/03)

The applicant, Mrs Cristina-Adriana Hermeziu, was born in 1969 and lives in Bacău (Romania). She was arrested by the National Anti-corruption Prosecutor's Office and remanded in custody on suspicion of having committed several economic offences. Her detention was subsequently extended every thirty days. Relying on Article 5 § 1 (right to liberty and security), Mrs Hermeziu alleges that in some cases the extensions were made with no legal basis. Relying on Article 6 §§ 1 and 3 (right to a fair trial) and Article 5 § 4 (right to liberty and security) respectively, she complains that one of the decisions extending her detention was taken without any debate and that an appeal she lodged against one of the decisions was declared inadmissible by the Supreme Court of Justice.

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of civil proceedings.

Barthofer v. Austria (no. 41113/08)

Bachas v. Greece (no. 54703/09)

Zanni v. Greece (no. 45481/09)

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

Hatzioannidis v. Greece (no. 51906/09)

Laimos and Kalafatis v. Greece (no. 45658/09°)

Lambadaris v. Greece (no. 47112/09)

Mitreliis v. Greece (no. 45602/09)

Petridou-Katakaidou v. Greece (no. 3463/09)

Thursday 19 April 2012

[Gorgiev v. "The former Yugoslav Republic of Macedonia" \(no. 26984/05\)](#)

The applicant, Gorgi Gorgiev, is a Macedonian national who was born in 1953 and lives in Sveti Nikole ("the former Yugoslav Republic of Macedonia"). While serving a prison sentence for breaking someone's arm, he was responsible for live stock on the prison's farm when he was seriously injured by a bull in April 2000. Relying in particular on Article 3 (prohibition of inhuman and degrading treatment), he complains that the prison authorities failed to protect him from the aggressive bull in his care, despite the fact that

they were aware that the bull was dangerous. He further complains that he could not effectively claim compensation for the injuries he had sustained.

[Saso Gorgiev v. "the Former Yugoslav Republic of Macedonia" \(no. 49382/06\)](#)

The applicant, Sašo Gorgiev, is a Macedonian national who was born in 1972 and lives in Skopje. A waiter in a bar, he was shot in the chest in January 2002 by a police reservist, who was armed and in uniform and supposed to be on duty in the police station at that time of the night. Relying on Article 2 (right to life), he complains that the police officer put his life at risk by shooting him. He also complains under Article 6 (right to a fair trial) about the domestic courts' failure to recognise that the State was responsible for the incident, as well as about the excessive length of the civil court proceedings in which he had sought damages from the Ministry of Interior.

[B v. Germany \(no. 61272/09\)](#)

The applicant, Mr B, is a German national who was born in 1959 and is currently detained in Straubing Prison (Germany). Convicted in 2000 of sexual assault and rape committed in 1999, he served his entire sentence by 10 July 2008. From then on, he was placed in preventive detention retrospectively. This was confirmed in October that year by a court finding that he was dangerous to the public and should therefore be kept in detention to prevent him from offending further. Relying on Article 5 § 1 (right to liberty and security) and Article 7 § 1 (no punishment without a law), he complains that his continued detention, after he had fully served his prison sentence, breached his right to liberty and security and the prohibition on increasing a penalty retrospectively.

[M v. Ukraine \(no. 2452/04\)](#)

The applicant, Ms M, is a Ukrainian national who was born in 1964 and lives in Odessa (Ukraine). Relying in particular on Article 5 § 1 (right to liberty and security), she complains about being held against her will in a mental health institution on several occasions between September 1999 and April 2006.

[Sergiyenko v. Ukraine \(no. 47690/07\)](#)

The applicant, Volodymyr Sergiyenko, is a Ukrainian national who was born in 1949 and lives in Kryvyi Rig (Ukraine). Relying on Article 2 § 1 (right to life) and Article 6 § 1 (right to a fair trial), he complains that the court proceedings following a hit-and-run car accident which caused his son's death in October 2002 were too long.

Length-of-proceedings cases

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

Khazhevskiy v. Ukraine (no. 28297/08)

Shpilko v. Ukraine (no. 11471/08)

Varlamova v. Ukraine (no. 24436/06)

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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.