



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 14 judgments on Tuesday 3 April 2012 and five on Thursday 5 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 3 April 2012

[Dimitar Dimitrov v. Bulgaria \(application no. 18059/05\)](#)

The applicant, Dimitar Ganchev Dimitrov, is a Bulgarian national who was born in 1968 and lives in Burgas. While he was serving a prison sentence he was transferred to Plovdiv detention centre on 1 July 2002 in order to attend a hearing of the Supreme Court of Cassation in Sofia the following day. He was handcuffed between two other prisoners. After the applicant requested that one of his hands be freed so that he could carry his belongings, a police officer allegedly hit him in the face and insulted him. Mr Dimitrov claimed that, when he sat down on the floor in protest, several police officers kicked him in the abdomen, the lower back and the ribs until he was unable to get up. He was then sprayed with cold water and thrown against the ground several times. The applicant alleges that he was beaten by the police officers and complains of the lack of an effective investigation into his claims. He relies on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) of the European Convention on Human Rights.

[Fileva v. Bulgaria \(no. 3503/06\)](#)

The applicant, Maria Panayotova Fileva, is a Bulgarian national who was born in 1948 and lives in Asenovgrad (Bulgaria). After criminal proceedings against Ms Fileva for abuse of office were terminated at the pre-trial stage in July 2005, she brought civil proceedings for damages for unlawful charges against the public prosecutor's office. While those proceedings were pending, the appellate public prosecutor's office ordered the resumption of the criminal proceedings against her. Relying on the resumption, the courts rejected her action for damages. Ms Fileva was ultimately convicted on two counts in April 2008 and given a one-year suspended sentence. Relying on Article 6 § 1 (right to a fair trial), she complains that, as a result of the decision to resume the proceedings against her, she was deprived of access to court to seek damages.

[Michelioudakis v. Greece \(no. 54447/10\)](#)

The applicant, Ioannis Michelioudakis, is a Greek national who was born in 1960 and lives in Athens. On 5 February 2003, criminal proceedings were brought against him for incitement to commit perjury. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Mr Michelioudakis complains of the length of the proceedings against him. Under Article 13 (right to an effective remedy), he complains of the absence of a court in Greece before which he could bring a complaint about the excessive length of proceedings.

[Sessa v. Italy \(no. 28790/08\)](#)

The applicant, Francesco Sessa, is an Italian national who was born in 1955 and lives in Naples (Italy). He is a member of the Jewish faith and a lawyer by profession. In his capacity as representative of one of the complainants in a case, he appeared before the Forli investigating judge at a hearing concerning the production of evidence. As the judge was prevented from sitting, his replacement invited the parties to choose between two dates for the adjourned hearing. The applicant pointed out that both dates corresponded to Jewish religious festivals and that his religious obligations would prevent him from attending. The hearing was set down for one of the two dates in question and Mr Sessa applied for an adjournment. The prosecution and counsel for the defendants objected to the application on the ground that there was no legally recognised reason for granting an adjournment. Relying on Article 9 (right to freedom of religion), Mr Sessa alleges that the refusal by the judicial authority to postpone the hearing set down for the date of a religious festival prevented him from taking part in his capacity as the representative of one of the complainants and infringed his right to manifest his religion freely.

[Chmura v. Poland \(no. 18475/05\)](#)

The applicant, Mariusz Chmura, is a Polish national who was born in 1973 and lives in Skarżysko-Kamienna (Poland). Sentenced to four years' imprisonment in June 2003 for participation in an organised criminal group, abduction and robbery, he complains that the criminal proceedings against him were unfair, because the main prosecution witness was heard by the court at the investigative stage of the proceedings whereas his defence counsel was refused access to the case file. He was therefore prevented from challenging the main witness' testimony. He relies on Article 6 §§ 1 and 3 (b) and (d) (right to a fair trial).

[Kaperzyński v. Poland \(no. 43206/07\)](#)

The applicant, Przemysław Kaperzynski, is a Polish national who was born in 1964 and lives in Olsztyn (Poland). Editor-in-chief of a local independent weekly newspaper, he published an article in October 2005 concerning the sewage system in the municipality, expressing the view that the sanitary situation posed significant risks to public health, that there was a shortage of funds to improve the situation and that the authorities were dealing with the problem in a slow and incompetent manner. Relying on Article 10 (freedom of expression), Mr Kaperzynski complains about his conviction for not publishing the mayor's reply to his article.

[Nicoleta Gheorghe v. Romania \(no. 23470/05\)](#)

The applicant, Nicoleta Gheorghe, is a Romanian national who was born in 1948 and lives in Bucharest. Following a police report drawn up on 1 May 2004 she was ordered to pay a fine of 700,000 Romanian lei (ROL) – approximately 17 euros – for disturbing the peace in the block of flats where she lived. The applicant contested the police report in court, claiming that the allegations set out in it did not correspond to what had actually happened. Relying on Article 6 § 1 (right to a fair trial) and Article 6 § 2 (presumption of innocence), she complains that the proceedings she brought in order to contest the report alleging an offence of disturbing the peace were unfair.

[Riccardi v. Romania \(no. 3048/04\)](#)

The applicant, Orlandino Riccardi, is an Italian national who was born in 1956 and lives in Târgu-Mureş (Romania). Detained in October 2001 on charges of embezzlement, forgery and tax evasion, Mr Riccardi's pre-trial detention was extended a number of times until his release in August 2004. The criminal proceedings opened against him remain pending before the first-instance court. Relying on Article 5 §§ 1 and 3 (right to

liberty and security), Mr Riccardi complains that part of his pre-trial detention was unlawful as it was ordered by a court sitting in an unlawfully composed bench of judges, that it was not reviewed every sixty days as required by the domestic rules on criminal procedure, and that the length of his pre-trial detention was excessive as the domestic courts failed to provide reasons for maintaining it. He further complains of the excessive length of the criminal proceedings brought against him, relying on Article 6 § 1 (right to a fair trial within a reasonable time).

[Verbiņț v. Romania \(no. 7842/04\)](#)

The applicant, Adrian Verbiņț, is a Romanian national who was born in 1963 and lives in Pitesti (Romania). In November 2002, while serving a four-year prison sentence for fraud, he suffered a brain haemorrhage. Following surgery, he contracted an infection and needed two more operations. He alleges that, kept handcuffed after the first operation, he was not turned in his bed while he was unconscious and that this caused the infection. In November 2003, he was released from prison on medical grounds. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains that he did not receive the medical treatment which he needed and which, in any event, could not have been provided in the prison hospital where he had been held. Moreover, the court had only decided that his prison sentence could be suspended more than seven months after his third request in that regard.

[Akhmadova v. Russia \(no. 25548/07\)](#)

The applicant, Yakha Akhmadova, is a Russian national who was born in 1953 and lives in Grozny, Chechnya (Russia). She is the mother of Khozh Akhmed Akhmadov, a police officer in the patrolling unit of the Chechnya Ministry of the Interior who died in November 2004 from gunshot wounds he sustained when a group of 30 armed men, driving around with cars without number plates, stopped him and a colleague and opened fire on them. Relying on Article 2 (right to life) and Article 13 (right to an effective remedy), Ms Akhmadova alleges that her son was killed by Russian servicemen and that the authorities failed to carry out an effective investigation into the alleged killing.

[Kazantsev v. Russia \(no. 14880/05\)](#)

The applicant, Aleksandr Kazantsev, is a Russian national who was born in 1966 and lives in the town of Pokachi, Tyumen Region (Russia). Arrested in July 1999 on charges of sexual assault of a minor, and convicted of that offence in 2001, he complains that he was ill-treated in police custody, alleging in particular that he was beaten up with a truncheon, and that no effective investigation was conducted into those allegations. He relies in particular on Article 3 (prohibition of inhuman or degrading treatment).

[Mukharev v. Russia \(no. 22921/05\)](#)

The applicant, Aleksey Mukharev, is a Russian national who was born in 1966 and lives in the village of Novoye Pole, Chelyabinsk region (Russia). Convicted of theft and sentenced to two years and four months' suspended imprisonment in September 2006, he complains that part of his pre-trial detention – between 13 January and 8 February 2005 – was not based on any judicial order. He further alleges that no effective procedure was available to him by which to challenge the lawfulness of his detention during that period. He relies on Article 5 §§ 1 (c) and 4 (right to liberty and security).

[Manzanas Martín v. Spain \(no. 17966/10\)](#)

The applicant, Francisco Manzanas Martín, is a Spanish national who was born in 1926 and lives in Barcelona. He was a minister of the Evangelical Church until he reached retirement age. During his years as a minister, he received remuneration from the

Evangelical Church. However, the latter did not pay any social security contributions on his behalf as this was not provided for by the legislation. Mr Manzanos Martín had previously worked as an employee before being ordained and had also been in paid employment for part of his time as a minister. When he applied to the National Social Security Agency for a retirement pension, his application was refused on the grounds that he had not completed the minimum period of pensionable service. Mr Manzanos Martín contends that the decision to refuse him a retirement pension was in breach of the principle of non-discrimination. He submits that the legislation discriminated against Evangelical ministers compared with Catholic priests, in so far as the former had been admitted later to the social security scheme and had then not been allowed to count their earlier years as ministers towards the minimum period of pensionable service, unlike Catholic priests. The applicant relies on Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 (protection of property), and on Article 9 (right to freedom of religion).

[Erişen and Others v. Turkey \(no. 7067/06\)](#)

The applicants are six Turkish nationals who were born between 1966 and 1982 respectively. They were all arrested on suspicion of membership of the PKK (the Workers' Party of Kurdistan) in July and August 2005, respectively. Charged with aiding and abetting an illegal organisation, they were eventually acquitted in March 2009. Three of the applicants allege that they were subjected to ill-treatment by gendarmes during their police custody in July 2005, in violation of Article 3 (prohibition of inhuman or degrading treatment). Relying on Article 5 § 4 (right to liberty and security), all six applicants also complain that they did not have an effective remedy to challenge the lawfulness of their detention.

Thursday 5 April 2012

[Jirsák v. the Czech Republic \(no. 8968/08\)](#)

The applicant, Zdeněk Jirsák, is a Czech national who was born in 1953 and is currently serving a sentence in Karviná Prison (the Czech Republic). His case concerns the conditions in another facility, Valdice Prison, where he was serving his sentence between 2000 and 2005. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains in particular that, between 10 November 2000 and 29 January 2001, he shared a cell of approximately 36 square metres with nine other prisoners, that there was no ventilation system and only one toilet for ten people. He further maintains that, after having broken his ankle, his injury was not treated adequately.

[Strömblad v. Sweden \(no. 3684/07\)](#)

The applicant, Einar Strömblad, is a Swedish national who was born in 1950 and lives in Kristianstad (Sweden). Divorced from his wife, a Ukrainian and Swedish national with a permanent residence permit in the Czech Republic, he complains about the custody proceedings in respect of their daughter, born in 2003. By an interim decision of November 2005, the Swedish courts granted joint custody to the parents and decided that the child should live with her mother, who had moved to Prague with the child shortly before. In 2010, the courts decided that the mother should have the sole custody of the child, while Mr Strömblad was granted certain contact rights. He complains that the protracted custody proceedings, and a decision of the tax authority to remove his daughter from the population register, violated his and his daughter's rights under Article 8 (right to respect for private and family life). As regards the latter complaint, he further relies on Article 13 (right to an effective remedy).

Chambaz v. Switzerland (no. 11663/04)

The applicant, Yves Chambaz, is a Swiss national who was born in 1954 and currently lives in Bermuda. In a decision of 17 August 1994 the Aubonne district taxation and revenue commission ordered him to pay a fine for refusing to produce all the documents concerning his business dealings with a company and the banks which held its assets. He appealed unsuccessfully against the decision to the Administrative Court of the Canton of Vaud and subsequently to the Federal Court. While his case was pending he was placed under investigation for tax evasion. Relying on Article 6 § 1 (right to a fair trial), Mr Chambaz alleges a violation of his right not to incriminate himself. Relying on Article 6 § 2 (presumption of innocence), he complains of a breach of his right to be presumed innocent.

Repetitive cases

The following case raises issues which have already been submitted to the Court.

Igor Lutsenko v. Ukraine (no. 37645/10)

The applicant in this case complains that his pre-trial detention was unlawful. He relies on Article 5 § 1 (right to liberty and security).

Length-of-proceedings cases

In the following case, the applicant complains in particular about the excessive length of (non-criminal) proceedings.

Lobatska v. Ukraine (no. 44674/05)

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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.