



## Forthcoming judgments

The European Court of Human Rights will be notifying in writing 32 judgments on 13 December 2011 and seven on 15 December 2011.

*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](http://www.echr.coe.int))*

Tuesday 13 December 2011

### [Kanagaratnam and Others v. Belgium \(no. 15297/09\)](#)

The applicants, Renuka Kanagaratnam and her three children, are Sri Lankan nationals who were born in 1972, 1996, 1998 and 2001 and live in Ecklo (Belgium). After fleeing their home country and travelling via Congo, they arrived in Belgium, where they applied for asylum and subsidiary protection at the border. After their application was refused, the family were held for almost four months in a secure facility for illegal aliens pending their removal. After making a second asylum request, they were eventually granted refugee status. The family complain that their detention amounted to inhuman and degrading treatment (Article 3 of the European Convention on Human Rights). They further complain that their continued detention was arbitrary (Article 5 § 1 (f) of the Convention).

### [Ajdarić v. Croatia \(no. 20883/09\)](#)

The applicant, Neđo Ajdarić, is a national of Bosnia and Herzegovina who was born in 1953 and is currently serving a 40-year prison term in Lepoglava State Prison (Croatia) for three murders. Relying on Article 6 §§ 1, 2 and 3 (right to a fair trial), he complains about the unfairness of his conviction in September 2006 as it was solely based on a conversation supposedly overheard between himself and a co-detainee when he was being held in detention on remand for car theft. He further alleges that the witness, another prisoner, was not reliable as he had a history of mental instability.

### [X v. Latvia \(no. 27853/09\)](#)

The applicant, X, is a Latvian national who was born in 1974. She lives in Australia where she met T. in 2004. In 2005 she gave birth to a daughter. The relationship with T. deteriorated and in July 2008 X left Australia with her daughter and went back to Latvia. At the time she left Australia X was a single parent and no paternity test had been carried out with respect to the child. After they left Australia T. claimed before the Australian authorities that he was the father of X's daughter and proceedings under the Hague Convention on the Civil Aspects of International Child Abduction were initiated. The case concerns X's complaint about the unfairness of proceedings before the Latvian courts which ordered her in November 2008 to return her daughter to Australia. She alleges in particular that the national courts erred in interpreting and applying the relevant international law. The child was returned to Australia by the father in March 2009 when he went to Latvia and took his daughter from X while they were out shopping. In subsequent custody proceedings before the Australian courts restrictions have been imposed on X's visiting rights and she has been banned from speaking to her daughter in Latvian. The case will be examined under Article 8 (right to respect for private and family life).

### [Barać and Others v. Montenegro \(no. 47974/06\)](#)

The applicants are 13 Montenegrin nationals who were born between 1950 and 1968 and live in Danilovgrad (Montenegro). Relying on Article 6 § 1 (right to a fair trial), they complain about the unfairness of proceedings in which their claims for compensation against their employer were rejected in April 2006. They notably allege that the final judgment in their case was based on an Act which, found unconstitutional in February 2006, was no longer in force at the relevant time.

### [Lakićević and Others v. Montenegro and Serbia \(nos. 27458/06, 37205/06, 37207/06 and 33604/07\)](#)

The applicants, Nevenka Lakićević, Borislav Vukašinović, Veselin Budeč and Vlado Rajković, are Montenegrin nationals who were born in 1947, 1937, 1924, and 1944 respectively. Ms Lakićević and Mr Budeč live in Herceg-Novi and Mr Vukašinović and Mr Rajković live in Podgorica, Montenegro. Retired owners of private law firms, the applicants all complain about the suspension of their pensions between 2004 and 2005 because they had re-opened their legal practices on a part-time basis. They rely on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

### [Kryuk v. Russia \(no. 11769/04\)](#)

The applicant, Vasiliy Olegovich Kryuk, is a Russian national who was born in 1975 and lives in Moscow. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains about the appalling conditions of his detention in Moscow remand prisons from August 1997 to January 2003 on assault charges. He notably alleges severe overcrowding and that he contracted hepatitis. He was ultimately convicted in September 2003 of extortion and sentenced to seven years' imprisonment. Further relying on Article 6 § 1 (right to a fair trial within a reasonable time), he also complains about the excessive length of the criminal proceedings against him which lasted over five years.

### [Vasilyev and Kovtun v. Russia \(no. 13703/04\)](#)

The applicants, Viktor Vasilyev and Vasiliy Kovtun, are Russian nationals who were born in 1951 and 1947 and live in St Petersburg and Sosnoviy Bor (Leningrad Region) respectively. The case concerns the applicants' complaint about the confiscation and sale of cars they had imported from abroad as well as the national courts' refusal to examine their ensuing claims for compensation. They rely on Article 6 § 1 (access to court) and Article 1 of Protocol No. 1 (protection of property).

### [Laduna v. Slovakia \(no. 31827/02\)](#)

The applicant, Peter Laduna, is a Slovak national who was born in 1973. He is currently serving a life sentence in Leopoldov Prison (Slovakia). His case essentially concerns his complaint that, when detained on remand from September 2001 to February 2006, he had fewer rights than those who had been convicted and were serving prison terms. He notably complains that: his family were only allowed to visit him for 30 minutes once a month, whereas a convicted prisoner was allowed to receive visitors for two hours and, in prisons with the lowest security level, more frequently; and, that he was not allowed to watch television whereas convicted prisoners could watch television collectively in a specially designated room. He relies on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination). Further relying on Article 1 of Protocol No. 1 (protection of property), he also complains that, if he had not used part of the money given to him from his family to pay back a debt to the State, he would not have been allowed to buy extra food and other items he needed in the prison shop. Lastly, he complains under Article 13 (right to an effective remedy) that he has no effective remedy as regards these complaints.

### Valbuena Redondo v. Spain (no. 21460/08)

The applicant, Santiago Valbuena Redondo, is a Spanish national who lives in Valladolid. Charged with an offence against the Treasury concerning a value-added tax return, he was acquitted at first instance after a public hearing. State Counsel appealed to the *Audiencia Provincial*, which convicted the applicant without holding a public hearing. The applicant complains that he was not given a hearing before the *Audiencia Provincial* and relies on Article 6 (right to a fair hearing) and Article 13 (right to an effective remedy).

### Repetitive cases

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

#### **Burea and Others v. Moldova (nos. 55349/07, 16968/09, 19750/09, 32465/09 and 39377/09)**

In this case the applicants complain of the failure to enforce final judgments in their favour concerning the provision of social housing or the payment of compensation for property confiscated in the 1940s. The applicants rely on Article 6 § 1 (right of access to a court) and Article 1 of Protocol No. 1 (protection of property).

#### **Ojog and Others v. Moldova (no. 1988/06)**

In this case the applicants complain about the quashing of a final decision in their favour concerning immovable property by way of revision proceedings. They rely on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

#### **Kokurkhayev v. Russia (no. 46356/09)**

#### **Trudov v. Russia (no. 43330/09)**

In these cases the applicants complain that they were not informed of the date and place of appeal hearings, which were held in their absence although a representative of the prosecution service was present. They rely on Article 6 § 1 (right to a fair hearing).

#### **Rozhnyatovskaya v. Russia (no. 35002/05)**

In this case the applicant, a former military officer, complains about the non-enforcement of a judgment in her favour concerning an allowance for active participation in combat. She relies on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

#### **Abdurrahman Yıldırım v. Turkey (no. 53329/08)**

#### **Bilgin and Örsel v. Turkey (no. 41166/05)**

#### **Coşkun and Others v. Turkey (no. 35561/05)**

#### **Domanıç v. Turkey (no. 14738/06)**

#### **Gerçek and Others v. Turkey (no. 54223/08)**

#### **Gezen v. Turkey (no. 53323/08)**

#### **Gökçe v. Turkey (no. 54227/08)**

#### **Gülsoy v. Turkey (no. 3875/06)**

#### **Gümüüş v. Turkey (no. 41150/05)**

#### **Halise Tuncel and Others v. Turkey (no. 29666/06)**

#### **Kazanlar v. Turkey (no. 54170/08)**

#### **Mesci v. Turkey (no. 14030/06)**

#### **Mustafa Tuna v. Turkey (no. 14935/06)**

#### **Özkara and Telli v. Turkey (no. 53339/08)**

#### **Sapmaz v. Turkey (no. 54154/08)**

#### **Şenirmak v. Turkey (no. 4631/06)**

**Taktakoğlu v. Turkey** (no. 54250/08)  
**Zerdali and Others v. Turkey** (no. 54173/08)

In these cases the applicants complain that the administrative authorities occupied their land for several years without an expropriation order. They rely on Article 1 of Protocol No. 1 (protection of property), They also rely on Article 6 § 1 (right to a fair hearing within a reasonable time) and complain of the lengthy period during which the authorities failed to ensure payment of the compensation awarded to them in a final court decision.

Thursday 15 December 2011

[Mor v. France \(no. 28198/09\)](#)

The applicant, Gisèle Mor, is a French national who was born in 1953 and lives in Saint-Ouen-l'Aumône. She is a lawyer belonging to the Val-d'Oise Bar and lodged a criminal complaint alleging manslaughter on behalf of the parents of a 12-year-old child who died of bone marrow suppression (a blood disorder) following a hepatitis-B vaccination. In November 2002 an expert report was submitted to the investigating judge dealing with the case. The applicant was contacted by journalists and provided the press with extracts from the expert report submitted in the context of the investigation. Relying on Article 10, Ms Mor complains about her criminal conviction in 2007, upheld on appeal, of breaching professional confidence following a complaint lodged by the pharmaceutical laboratory which distributed the hepatitis-B vaccine.

[Poirot v. France \(no. 29938/07\)](#)

The applicant, Serena Poirot, is a French national who was born in 1971 and lives in La Bresse. She is severely disabled and was placed in a residential care home in Épinal. She informed a counsellor that one of the carers at the home had committed repeated acts of indecent assault against her. A criminal complaint was lodged and an investigation was opened into the offences of rape of a person in an especially vulnerable position and sexual assault. Relying on Article 6 § 1 (right of access to a court), the applicant complains about the dismissal of her appeal against the investigating judge's order committing the accused for trial in the Épinal Criminal Court instead of making an indictment before the Assize Court.

[Kondratyev v. Ukraine \(no. 5203/09\)](#)

The applicant, Sergey Kondratyev, is a Ukrainian national who was born in 1962 and is currently serving a five-year prison sentence for drug dealing. Suffering from tuberculosis and a knee injury after a fall during a prison transfer, he complains about inadequate medical care during his detention. He relies on Article 3 (prohibition of inhuman or degrading treatment). Further relying on Article 5 §§ 1 and 3 (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), he also complains about the unlawfulness and excessive length of his detention as well as of the criminal proceedings against him.

[Oleynikova v. Ukraine \(no. 38765/05\)](#)

The applicant, Valentina Oleynikova, is a Ukrainian national who was born in 1956 and lives in Kharkiv (Ukraine). The case concerns her allegation that the authorities failed to carry out an effective investigation into the death in July 2002 of her 19-year old son who was found drowned in a lake by friends with whom he had been out camping. Ms Oleynikova suspects that her son was killed and does not believe in the official version that he died accidentally. She relies in particular on Article 2 (right to life).

### [Veniosov v. Ukraine \(no. 30634/05\)](#)

The applicant, Dmitriy Veniosov, is a Ukrainian national who was born in 1968 and lives in Stryi (Ukraine). A former police officer, Mr Veniosov complains about the unlawfulness of his arrest in June 2005 on suspicion of abuse of authority and the ensuing degrading conditions of his detention until his conviction in November 2006. He notably complains about severe overcrowding in a cell with no windows and poor heating, to the extent that in November 2005 an ambulance had to be called as he had hyperthermia. He relies on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 § 1 (right to liberty and security).

### Length-of-proceedings cases

The following two cases concern the applicants' complaints under Article 6 § 1 (right to a fair trial within a reasonable time) about the excessive length of civil proceedings (**Beguš v. Slovenia**) and of criminal proceedings for a drugs offence (**Orlov v. Ukraine**).

**Beguš v. Slovenia** (no. 25634/05)

**Orlov v. Ukraine** (no. 5842/05)

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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.