EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 32 judgments on Tuesday 4 October 2016 and 127 judgments and / or decisions on Thursday 6 October 2016.

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

Tuesday 4 October 2016

Antunović v. Croatia (application no. 66553/12)

The applicant, Miro Antunović, is a Croatian national who was born in 1956 and lives in Sibinj (Croatia). The case concerns his complaint about the courts' refusal to hear his claim for salary arrears.

In September 2008 Mr Antunović, a civil servant, was found guilty of severe breaches of his official duties and ordered to pay a fine. His employer, the City of Slavonski Brod, subsequently dismissed his application for reimbursement of his salaries withheld during the period (from September 2007 to September 2008) when he had been suspended. The City of Slavonski Brod also dismissed his appeal in December 2008, informing him that he could bring an administrative action against it. However, the High Administrative Court declared his administrative action inadmissible because it did not have jurisdiction and stated that it was for an ordinary municipal court to hear Mr Antunović's case.

Mr Antunović then brought a constitutional complaint, which was dismissed in July 2012.

In September 2012 he also brought a civil action for reimbursement of salary arrears in the Slavonski Brod Municipal Court, but his claim was dismissed as time-barred. This judgment was upheld on appeal in August 2013.

Relying on Article 6 § 1 (access to court) of the European Convention on Human Rights, Mr Antunović complains that the High Administrative Court refused to examine his action on the merits and that he had been wrongly told to resort to an administrative action.

Petar Matas v. Croatia (no. 40581/12)

The applicant, Peter Matas, is a Croatian national who was born in 1953 and lives in Split. The case concerns a decision by the Croatian authorities to restrict Mr Matas' use of a building he owned and used as a car repair workshop pending an evaluation of its cultural heritage.

Mr Matas bought a State-owned building in the city of Split in 2001, which he then turned into a car repair workshop. In March 2003 the Department for the Conservation of Cultural Heritage of Split ("the Split Department") ordered a three-year preventive protection measure on his building, which appeared to be a rare example of early industrial architecture, pending the final evaluation of its cultural value. In January 2007 the Split Department decided that it was necessary to extend the measure for another three years because it had been unable to obtain an excerpt from the land registry of the Split Municipal Court concerning the building. Both decisions ordering preventive protection were registered in the land registry but Mr Matas was never informed of them.

In October 2007, on becoming aware of the second measure of preventive protection, Mr Matas decided to challenge the extended application of the measure before the Ministry of Culture. He

claimed that under the Cultural Heritage Act of Croatia the duration of such a measure was limited to only three years. His appeal was however dismissed as unfounded in January 2008.

Mr Matas thus lodged an administrative action two months later, challenging the lawfulness of the measure and requesting 200,000 euros compensation for being prevented from selling his building or setting up another business. His request was refused in May 2011, on the ground that the measure had been justified given the need to carry out further assessments as to the importance of the building's cultural heritage.

In the meantime, the Split Department decided that the building should not be registered as an object of cultural heritage.

Mr Matas' subsequent constitutional complaint was also unsuccessful.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, Mr Matas complains that the restriction on the use of his car repair workshop was unlawful and unreasonable.

Travaš v. Croatia (no. 75581/13)

The applicant, Petar Travaš, is a Croatian national who was born in 1975 and lives in Rijeka (Croatia). The case concerns his dismissal from two teaching posts, on the grounds that he had entered into a second marriage.

Mr Travaš is a professor of theology. He was issued with a canonical mandate to teach Catholic religious education by the Rijeka Archdiocese, and in September 2003 he was offered an indefinite contract to teach the subject in two State high schools – where his salary was paid by the State.

Mr Travaš had been married in a religious ceremony in December 2002. However, he and his former wife became divorced, and Mr Travaš married another woman in a civil ceremony in March 2006.

The following month, Mr Travaš was informed by the Rijeka Archdiocese that he was now disqualified from teaching religious education, because his new civil marriage – entered into whilst he was still married to his first wife in the eyes of the Church – had been contrary to Christian doctrine. After considering Mr Travaš' explanation of the situation, the Archdiocese withdrew his canonical mandate in August 2006. Eight days later, being unable to find another suitable post for him or to offer him an alternative post within the schools, the schools dismissed Mr Travaš from his teaching job on the grounds that he could no longer be a teacher of Catholic religious education without a canonical mandate.

Mr Travaš initiated a civil claim, challenging the decisions on his dismissal. However, on 22 February 2007 his claim was rejected by the Opatija Municipal Court, which found that the teaching of Catholic religious education without a canonical mandate was prohibited under Croatian law. Mr Travaš' appeal to the Rijeka County Court was dismissed, as was a further appeal to the Supreme Court, and an appeal to the Constitutional Court. In its judgment of 27 May 2013, the Constitutional Court held in particular that an Agreement on education and cultural affairs between the Republic of Croatia and the Holy See was an international treaty; that an act ratifying the Agreement had made it part of the internal legal order of Croatia; that it took precedence over domestic statutes; and that it required Catholic religious education to be taught only by teachers with a canonical mandate. The termination of Mr Travaš' employment contract had therefore been entirely lawful.

Relying in particular on Article 8 (right to respect for private and family life), Mr Travaš complains that he was dismissed from his teaching posts in public service solely on the grounds of an intimately personal event (his second marriage), and that this was an extreme and disproportionate measure affecting his right to a private and family life.

Žaja v. Croatia (no. 37462/09)

The applicant, Miljenko Žaja, is a Croatian national who was born in 1958 and lives in Prague (the Czech Republic). The case concerns his conviction of an administrative offence for importing a car into Croatia without paying customs duties.

In June 2008 Mr Žaja entered Croatia in a car which he had just bought in Germany and which he had registered in the Czech Republic, having been granted a permanent residence permit there since February 2008. He claims that the purpose of his visit to Croatia was to de-register his domicile there. Shortly afterwards, while driving in Zagreb, he was stopped by the police who found it suspicious that a Croatian national was driving a car with foreign licence plates. They impounded the car and reported the matter to the Croatian Customs Administration.

In a first set of administrative proceedings he was found liable to pay taxes on the importation of his vehicle into Croatia and in December 2008 was ordered to pay 527,747.08 Croatian kunas (approximately 71,251 euros). As Mr Žaja did not pay, the Customs Administration subsequently issued a decision confiscating his car and ordering its sale with a view to collecting the debt.

In the meantime, a second set of administrative offence proceedings were brought against Mr Žaja and in July 2008 he was found guilty of importing his car into Croatia without paying customs duties. The courts notably found that he had retained his domicile in Croatia despite residing abroad and thus did not qualify for an exemption from paying customs duties under the relevant international agreement (the Istanbul Convention on Temporary Admission). His subsequent appeal before the High Court for Administrative Offences was dismissed. He then lodged a constitutional complaint, arguing in particular that the High Court had misinterpreted the terminology “persons resident in a territory other than that of the temporary admission” in the Istanbul Convention under which he could have been exempted from customs duties. Notably, the term was understood as meaning persons having registered domicile (in his case Croatia) rather than having habitual residence (in his case, the Czech Republic). His complaint was, however, dismissed in April 2009 on the ground that his constitutional rights had not been breached.

Relying in particular on Article 7 (no punishment without law), Mr Žaja alleges that, due to the ambiguity of the terminology under the relevant international agreement and its interpretation by the domestic authorities, he was unable to foresee that his entering Croatia with a car that he had bought abroad would amount to an administrative offence. He also complains under Article 1 of Protocol No. 1 (protection of property) about the confiscation and sale of his car.

T.P. and A.T. v. Hungary (nos. 37871/14 and 73986/14)

The case concerns the new legislation introduced in Hungary for reviewing whole life sentences.

The applicants, Mr T.P and Mr A.T., are Hungarian nationals who were born in 1981 and 1985 respectively and are currently serving prison terms in Sátoraljaújhely (Hungary).

Mr T.P. was convicted in November 2006 of murder committed with special cruelty and use of firearms. Mr A.T. was convicted in May 2010 of double murder and use of firearms. Both applicants were sentenced to life imprisonment with no possibility of parole. These judgments were upheld on appeal. Both their petitions for review before the Supreme Court as well as their requests for pardon were subsequently dismissed.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants allege that, even though new legislation has been introduced in Hungary since 2015 for the automatic review of whole life sentences after 40 years, their sentences remain inhuman and degrading as they have no hope of release.

Just Satisfaction

Noreikienė and Noreika v. Lithuania (no. 17285/08)
Tunaitis v. Lithuania (no. 42927/08)

These cases deal with the question of just satisfaction following judgments by the European Court of Human Rights about deprivation of property without adequate compensation.

The applicants, Daina Noreikienė, Algirdas Noreika and Vytautas Tunaitis, are Lithuanian nationals who were born in 1965, 1961 and 1959 and live in Ramučiai and Kaunas (Lithuania).

In the first case, the local authorities assigned in 1989 a plot of land measuring 0.03 hectares to Mr Tunaitis for the construction of a house. The city council confirmed the validity of that decision in 1991 and in 1994 Mr Tunaitis bought the land for a nominal price (approximately 28 euros (EUR)). In 2005, he signed a land purchase agreement and the plot was subsequently registered in the Land Registry in his name.

In the second case, the local authorities assigned in 1993 a plot of land measuring 1.97 hectares to Ms Noreikienė and Mr Noreika, a wife and husband, for individual farming. In 1996, the county administration authorised Ms Noreikienė to purchase the land for a nominal price (approximately EUR 1.7). In 2004 she signed a land purchase agreement and the plot was subsequently registered in the Land Registry in the couple's joint name.

In both cases a third party brought a civil claim seeking restoration of their ownership rights to the land arguing that they had already submitted requests for restitution of property and, as such, the land had been assigned and later sold to the applicants unlawfully. The plots in question were thus returned to the state and the applicants were awarded the equivalent of EUR 35 in the case of Mr Tunaitis and EUR 37 in the case of Ms Noreikienė and Mr Noreika. The applicants lodged cassation appeals which the Supreme Court refused to hear (in 2008 in the first case and in 2007 in the second case), holding that the appeals did not raise any important legal issues.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complained that they had been deprived of their property by decisions of the domestic courts and that they had not received adequate compensation.

In its principal judgments of 24 November 2015 the Court held, in both cases, that there had been a violation of Article 1 of Protocol No. 1 and that the question of the application of Article 41 (just satisfaction) of the European Convention was not ready for decision, reserving it for examination at a later date. The Court will deal with this question in its judgment of 4 October 2016.

Yusiv v. Lithuania (no. 55894/13)

The case concerns an allegation of police brutality against a minor.

The applicant, Maryan Yusiv, is a Ukrainian national who was born in 1995 and has lived in Kaunas (Lithuania) since 2006.

On 22 October 2011 Mr Yusiv, 16 years old at the time, was on his way to see his girlfriend when he was stopped by three police officers who, together with five other officers, were searching for a group of several young men who had reportedly robbed a man near the railway station. Mr Yusiv tried to escape and was arrested. He was then taken to the local police station and charged with the administrative offence of disobeying the police. Upon his release, he told his mother that one of the police officers had hit him with a truncheon numerous times while he was being held in the police car and that another police officer had then threatened him with an electroshock device at the police station.

Mr Yusiv's mother complained to the police and prosecuting authorities a few days later, alleging that her minor son had been mistreated by the police during his arrest and detention. Her son was

immediately examined by a court-appointed medical expert who reported that her son had sustained at least 18 blows from a hard blunt object.

The authorities opened a preliminary inquiry on the day of the mother's complaint and a pre-trial investigation was opened two months later. The investigator interviewed the police officers present during the incident, as well as Mr Yusiv and his mother. Mr Yusiv denied resisting or insulting the officers in any way; the officers stated that he had tried to escape and then violently resisted his arrest. In September 2012 another court medical expert examined Mr Yusiv's medical file and confirmed the findings of the previous report. In December 2012 the Kaunas City Prosecutor decided to discontinue the pre-trial investigation on the ground that the physical force used against Mr Yusiv during his arrest had been necessary, as shown in the consistent statements made by the police officers. This decision was then upheld by the Kaunas District Court (and ultimately, in April 2013, by the Kaunas Regional Court) on the ground that there had been no objective evidence that the police officers had exceeded their legal powers and that the pre-trial investigation had been thorough and comprehensive. A request by Mr Yusiv's mother to reopen the investigation was rejected on the grounds that there were no relevant new circumstances.

In the meantime, in May 2012 Mr Yusiv was found guilty of the administrative offence of insulting and disobeying police officers and given a fine.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Yusiv complains of excessive use of force by the police during his arrest and of the authorities' ensuing failure to conduct an effective and objective investigation into his allegations.

Dorota Kania v. Poland (no. 2) (no. 44436/13)

The applicant, Dorota Kania, is a Polish national who was born in 1963 and lives in Warsaw. The case concerns Ms Kania's complaint about her conviction for writing articles accusing a Polish academic of having been an informant for the communist secret police.

From April to August 2007 Ms Kania, a journalist for the weekly magazine *Wprost*, published three articles alleging that the rector of the University of Gdańsk had been a long-term informant for the communist secret services. The rector thus brought a private bill of indictment against her for libel and she was found guilty as charged in February 2012. The first-instance court notably found that Ms Kania had failed to show proper journalistic diligence when writing the articles. In particular, she had published the first article without meeting the rector in person or providing some factual basis for her allegations. Indeed, she had only actually obtained access to official files containing information about the communist secret services after publication of her first article and those files had noted the rector's unwillingness to become an informant. These findings were upheld on appeal in September 2012 and Ms Kania was ordered to pay a fine of 85 euros as well as the rector's costs.

Relying on Article 10 (freedom of expression), Ms Kania complains about her conviction for libel, arguing that her articles had been based on reliable sources and that the issue of Polish academics' collaboration with the communist secret services was a matter of general public concern.

Klibisz v. Poland (no. 2235/02)

The applicant, Andrzej Klibisz, is a Polish national who was born in 1968 and is currently detained in Włocławek Prison (Poland). The case concerns the length of the criminal proceedings against Mr Klibisz, in addition to the lawfulness and conditions of his detention.

In August 1995 the Chief Prosecutor of Lithuania made a request to the Polish prosecution authorities that they initiate a criminal investigation against Mr Klibisz, who had been charged in Lithuania with a murder and an attempted murder allegedly committed in Vilnius in 1994, as well as for illegal possession of weapons. Following a decision of the Warsaw Regional Prosecutor in March 1996, he was arrested and put into custody. This decision was upheld by the Warsaw Regional Court,

though neither the applicant nor his lawyer were allowed to attend the hearing or access the case file. Subsequently, Mr Klibisz's detention was extended by numerous consecutive court decisions and all of his applications for release were rejected.

In October 1998 the Warsaw Regional Court convicted Mr Klibisz of murder, attempted murder and illegal possession of weapons. He was sentenced to 25 years' imprisonment and to ten years' deprivation of civic rights in a revised decision of the court in February 2001. The Supreme Court dismissed Mr Klibisz's cassation appeal, and in May 2004 his conviction became final.

During the criminal proceedings against him, Mr Klibisz lodged 30 complaints about the alleged breach of his right to trial within a reasonable time, and submitted several motions for compensation on the grounds that his detention had been unlawful. He also claimed that several of the judges who had decided on the extension of his detention had not been impartial.

Throughout his continuous detention from 1996 onwards, Mr Klibisz was transferred across the country from one detention facility to another at least 44 times. Some of the detention facilities were located as far as 300 km from his hometown. He claims that for most of his detention he was held in overcrowded, badly-lit and unventilated cells, with the right to only one hour of daily outdoor exercise and to one shower per week.

Mr Klibisz alleges that the authorities in different detention facilities persecuted him for providing information to other inmates about the European Convention, by monitoring his correspondence and placing him under a special regime for dangerous prisoners. He claims that he was kept in solitary confinement, and that he was subjected to strip searches between two and eight times per day. Mr Klibisz also blames prison authorities for not allowing him to vote in the 2002 local elections, and for refusing to authorise visits by certain persons who were not on the official list of approved visitors.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Klibisz complains that the conditions of his detention in general were inadequate, in particular because they were overcrowded. He also claims that his confinement under the high security regime constituted inhuman and degrading treatment. Relying on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) and Article 6 § 1 (right to a fair trial within a reasonable time) he also complains that the length of his detention on remand was unjustified, and that the main criminal proceedings against him were unreasonably long. Relying on Article 8 (right to respect for private and family life, the home and the correspondence), he complains that the prison authorities monitored, opened, read and seized his written correspondence, that they monitored his phone conversations, that they prevented certain visits, and that he was detained in locations far from his home and family. Finally, he relies on Article 10 (freedom of expression) to complain that the authorities interfered with his attempts to impart information about the European Convention to other inmates.

Do Carmo de Portugal e Castro Câmara v. Portugal (no. 53139/11)

The applicant, Carlos do Carmo de Portugal e Castro Câmara, is a Portuguese national who was born in 1957 and lives in Lisbon. The case concerns his criminal conviction for defaming the president of a public institution.

In March 2006 the applicant, a university professor who previously worked for the Portuguese Meteorolgoical Institute ("the IM"), published an opinion article in the national newspaper *O Independente* explaining the management and financial problems he had encountered when running a project developed by the IM and co-funded by an EU Agency. In his article, he criticised in particular the President of the IM, referring to him as "a petty liar" and "a poor wretch". The President of the IM thus lodged a criminal complaint against the applicant for defamation. In July 2010 the applicant was convicted of aggravated defamation, the courts characterising his statements in the article as a personal attack on the President of the IM and an insult to his honour

and reputation. He was sentenced to fines totalling 2,000 euros (EUR) and ordered to pay the plaintiff EUR 3,000. This judgment was upheld on appeal in February 2011.

Relying on Article 10 (freedom of expression), the applicant complains that his criminal conviction was unnecessary and a disproportionate interference with his freedom of expression.

Revision

Samoilă v. Romania (no. 19994/04)

The case concerns the applicant's alleged lack of access to a court in the context of the proceedings to wind up the Romanian People's Bank and Credit Cooperative.

The applicant, Gheorghe Samoilă, was a Romanian national who was born in 1930 and lived in Constanţa (Romania). He was retired and held a savings account with the Romanian People's Bank and Credit Cooperative, which subsequently went into liquidation.

In 2002 Mr Samoilă brought a court action for repayment of the amount owed to him by the debtor company. The Romanian courts dismissed his claims for failure to pay the stamp duty. Mr Samoilă and the company's other creditors had been informed on radio and television and in the national press of the need to lodge their statements of claim and of the corresponding formalities, as the liquidator had maintained that it was impossible to notify each of the 60 thousand or so creditors individually, most of whom were small individual savers.

Relying in particular on Article 6 § 1 (right to a fair hearing), Mr Samoilă alleged in particular an infringement of his right of access to a court.

In a judgment of 16 July 2015 the Court found a violation of Article 6 § 1 (access to a court) and awarded Mr Samoilă 3,600 euros (EUR) in respect of non-pecuniary damage.

On 18 November 2015 the Government submitted a request for revision of the judgment, informing the Court that they had learnt on 3 November 2015, during the procedure for execution of the judgment, that Mr Samoilă had died on 27 September 2013 while the proceedings were pending before the Court. They therefore requested that the application be struck out of the list on the basis of Article 37 § 1 of the Convention, arguing that the applicant's heirs had not informed the Court of his death and of their intention to continue the proceedings.

The Court will respond to the Government's request in its judgment of 4 October 2016.

Abdulkhadzhiyeva and Abdulkhadzhiyev v. Russia (no. 40001/08)

The applicants, Malika Abdulkhadzhiyeva and, her brother-in-law, Ramzan Abdulkhadzhiyev, are Russian nationals who were born in 1953 and 1957 respectively and live in the village of Savelyevskaya, in the Naurskiy District of the Chechen Republic (Russia). The case concerns their complaint that Russian servicemen shot and wounded them, and stole their cattle.

On 8 October 1999 the applicants' village, under the control of federal troops due to a counterterrorist campaign, came under artillery fire. The applicants and their neighbours thus requested the military's permission to pass through to the field where their cattle were pastured to retrieve them. They allege that the servicemen agreed to let them pass, but then opened fire on them. Wounded, they fell to the ground and could not get up without the servicemen subjecting them to further gunfire. The servicemen also shot dead a civilian who tried to intervene. After a few hours, the servicemen approached, blindfolded the applicants and took them to the premises of their military unit stationed in the vicinity. In the meantime, one of their neighbours had managed to crawl away and inform the head of the local administration about the incident. He went to the military unit and had the applicants released. The applicants' cattle, which remained under the control of the servicemen, were never returned to them.

The applicants lodged an official complaint about the incident in July 2000 when the local law-enforcement bodies and the courts had started functioning again in their district. A criminal investigation was thus launched into the applicants' allegations in October 2000 and the applicants were granted victim status in the criminal case, the relevant decisions acknowledging that they had been wounded and their cattle stolen. The applicants and their neighbours were also interviewed and gave a detailed and consistent description of the servicemen (and their military unit) who they alleged had attacked them. However, the proceedings, suspended and resumed on several occasions with the supervisory authorities criticising the investigators' failure to have even taken basic steps in the investigation, are currently still pending.

The Government do not contest the applicants' allegation that they were attacked and lost their cattle, but deny the Russian servicemen's involvement, submitting that it has not been possible to identify those responsible for the attack.

Relying on Article 2 (right to life), the applicants allege that they were attacked and wounded by Russian servicemen in October 1999 and that the authorities failed to carry out an effective investigation into the incident. Further relying on Article 1 of Protocol No. 1 (protection of property), they also complain about the loss of their cattle. Lastly, they allege under Article 13 (right to an effective remedy) that they had no effective remedies at their disposal with which to complain about the attack, the related investigation or the loss of their livestock.

Anna Popova v. Russia (no. 59391/12)

The applicant, Anna Popova, is a Russian national who was born in 1964 and lives in Chelyabinsk (Russia). The case concerns her complaint that she was deprived of ownership of her flat without compensation and that she was threatened with eviction.

Ms Popova bought a flat in Chelyabinsk (Russia) in June 2011. However, in December 2011 a district court annulled her title to the flat, transferring it to the local municipality, ordered her eviction and ruled that the person who had sold Ms Popova the flat should return the sum she had paid for it. The reason for this was that the municipality had obtained information from the registration service in February 2011 that the flat was no longer municipality property and, following an investigation, had discovered that the flat had in fact been fraudulently sold three times between January and June 2011. The district court judgment against Ms Popova was upheld on appeal, on the ground that she should have had doubts about buying a flat which had been resold three times within five months.

Ms Popova sued the State, alleging that she had bought a flat from a person who had no right to sell it to her due to failings on the part of the registration services; her claim was unsuccessful.

The decision in her favour ordering the person who had sold Ms Popova the flat to return her payment remains unenforced to date.

Ms Popova is apparently still living in the flat.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 8 (right to respect for private and family life and the home), she complains about the loss of her property without compensation and her threatened eviction. She alleges in particular that the authorities had not brought proceedings for repossession of the flat as soon as possible after they had discovered the fraud, and as a result the flat had continued to be resold unlawfully.

Klimov v. Russia (no. 54436/14)
Maylenskiy v. Russia (no. 12646/15)
Piskunov v. Russia (no. 3933/12)

All three cases concern allegations of inadequate medical care in detention.

The applicants in the first two cases, Vladimir Klimov and Artem Maylenskiy, both now deceased, were Russian nationals who were born in 1967 and 1983, respectively. Mr Klimov lived before his arrest in the town of Yoshkar-Ola in the Mariy El Republic (Russia) and Mr Maylenskiy lived in Verkhnyaya Pyshma, Sverdlovsk Region (Russia). The applicant in the third case, Nikolay Piskunov, is also a Russian national and was born in 1955. He is currently being detained in Krasnoyarsk (Russia).

In April 2012 Mr Klimov, who was serving a 15-year sentence for murder, was diagnosed with kidney cancer. Medical panels subsequently confirmed this diagnosis on three occasions, comparing his medical condition against a list of illnesses provided for by Government decree which could have warranted his release. All his requests for release were, however, rejected by the courts on the ground that he was a particular danger to society and, in any case, was regularly receiving symptomatic treatment for his illness with anaesthetics. He was transferred to a prison hospital by court order in October 2014. He started receiving cancer-related treatment in December 2014, but died in April 2015.

Mr Maylenskiy was convicted of murder in January 2014 and sentenced to ten years' imprisonment. Already suffering from advanced HIV and tuberculosis when arrested in May 2012, he was admitted to the medical wing of his remand prison and prescribed with anti-tuberculosis treatment. However, a drug susceptibility test in January 2013 showed that the drugs he was taking were totally ineffective and in April 2013 his treatment was altered. In September 2014 a medical panel, assessing his condition against the list of illnesses in the Government decree, found him eligible for early release on health grounds. His application for release was however rejected by the courts due to his prior convictions and his failure to reform. He was eventually released in August 2015 and was admitted to a civilian hospital where he died in October 2015.

In the first two cases the European Court of Human Rights (ECtHR) decided to apply interim measures under Rule 39 (in November 2014 and March 2015, respectively), indicating to the Russian Government that the applicants should immediately be examined by independent medical experts. The Government responded by submitting a number of documents (including the applicants' medical history, reports by the medical panels, certificates, reports and statements), asserting that the applicants' medical treatment in detention corresponded to their needs.

Both Mr Klimov and Mr Maylenskiy were examined by independent doctors at the request of their lawyers: their reports concluded that the medical care both men were receiving in detention was inadequate.

In the third case, Mr Piskunov was found guilty of incitement to murder in May 2012 and sentenced to five years' imprisonment. He started experiencing leg and back pain in May 2013. The detention authorities ignored his complaints and he therefore took painkillers supplied by his relatives. He was eventually diagnosed with prostate cancer in January 2014 after being sent to a civilian clinic for a scan. Between 2011 and 2014 he complained to various authorities about the quality of his medical care in detention, without success. A report by a medical panel subsequently concluded that he should be released on medical grounds, but a local court dismissed his application for release on the ground that he had been receiving adequate treatment in detention. This decision was then quashed on procedural grounds and the case was remitted for fresh consideration in December 2014. There is however no official information as regards the outcome of these proceedings or about his subsequent medical treatment.

Relying on Article 3 (prohibition of inhuman or degrading treatment), all three applicants allege/d that their medical care in detention was inadequate. Also relying on Article 34 (right of individual petition), the applicants in the first two cases alleged that the Russian Government had failed to have them examined by independent doctors in breach of an ECtHR interim measure. Mr Piskunov also complains that: the conditions of his detention on remand were appalling, in breach of Article 3; that his pre-trial detention between December 2010 and May 2012 was unjustified, in breach of Article 5 § 3 (right to liberty and security); and that he had no effective remedies for his complaints

either about his inadequate medical care in detention or about the conditions of his detention, in breach of Article 13 (right to an effective remedy).

Yaroslav Belousov v. Russia (nos. 2653/13 and 60980/14)

The applicant, Yaroslav Gennadiyevich Belousov, is a Russian national who was born in 1991 and lives in Moscow. The case concerns his participation in a political rally on 6 May 2012 at Bolotnaya Square in Moscow, and the subsequent criminal proceedings against him.

The rally had been organised to protest the alleged rigging of the State Duma and Presidential elections, and to demand fair elections in compliance with international standards. The meeting point of the rally had been altered by police in a last-minute change, and there were a number of clashes between protestors and the authorities.

At the time, Mr Belousov was a student at the political science faculty of the Moscow State University, and lived with his wife and child. According to him, he did not take part in any disorder with the police. However, during the dispersal of protestors he did pick up a small yellow object, and throw it over the heads of protestors in the direction of police. He was arrested shortly afterwards.

On 9 June 2012 Mr Belousov was detained on suspicion of having participated in mass disorder at the protest. He was later charged with this offence under Article 212 § 2 of the criminal code, and also violence against a public official under Article 318 § 1. He was accused in particular of shouting slogans, and throwing an object that had hit a police officer's shoulder. Mr Belousov claimed that the object he had thrown did not hit anybody. He also denied that mass disorder had taken place, maintaining that there had only been isolated clashes between protestors and police, which were caused by the authorities' last-minute decision to alter the protest meeting venue, and aggravated by their excessive crowd-controlling measures.

On 11 June 2012 Mr Belousov was put in pre-trial detention, which continued until the end of his trial in February 2014. He made multiple applications for alternative measures (such as bail), but these were repeatedly dismissed in various hearings, despite Mr Belousov's presentation of personal references, petitions from local politicians, and medical certificates confirming that he was suffering from a high-degree myopia and asthma. According to Mr Belousov, the conditions in both his pre-trial detention, and during his regular transfer to court hearings, were very poor.

The hearings themselves took place in four different court rooms. In the first two of these, Mr Belousov was held in a glass cabin. He maintains that these cabins had no ventilation; that they left him constantly exposed to scrutiny by the public and by the media; and that they prevented communication with counsel because they were virtually soundproof. He also maintains that the cabin in the first hearing room was very overcrowded. In the third and fourth courtrooms, the applicant was held in a metal cage. It appears that defendants in Russian criminal trials are systematically placed in a glass cabin or metal cage of a similar type, as long as they are in custody.

On 21 February 2014 the Zamoskvoretskiy District Court of Moscow found the applicant, along with seven others, guilty of mass disorder and of violent acts against police officers. Mr Belousov was sentenced to two years and six months' imprisonment. He appealed the judgment, complaining about the court's findings, the conditions he was kept in, and the fairness of the proceedings themselves – including a complaint that the glass cabins hindered communication with counsel. However, on 20 June 2014 the Moscow City Court upheld the first instance judgment (though the court did reduce Mr Belousov's sentence to two years and three months' imprisonment). As Mr Belousov's time served in pre-trial detention counted towards his sentence, he was released on 8 September 2014.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Belousov complains that the conditions of his pre-trial detention, his transfers to and from court, and in the courtrooms themselves all amounted to inhuman or degrading treatment. He also maintains that his pre-trial

detention had not been based on a reasonable suspicion that he had committed an offence, and was not justified, in violation of Article 5 (right to liberty and security). Relying on Article 6 (right to a fair trial), Mr Belousov complains that the glass cabins in the hearing rooms, the schedule of transfers to and from the court, and the way in which the proceedings were conducted all prevented him from having a fair hearing. He also complains that his prosecution, criminal conviction and lengthy prison sentence had been disproportionate and designed to deter future protests, in violation of Article 10 (freedom of expression), Article 11 (freedom of assembly and association) and Article 18 (limitation on use of restrictions on rights).

Šmajgl v. Slovenia (no. 29187/10)

The applicant, Rudolf Šmajgl, is a Slovenian national who was born in 1959 and is currently detained in Dob prison (Slovenia).

The applicant was engaged in a business providing online sexual services, and a dispute arose between him and one of his Netherlands business partners. On 18 September 2001, a meeting was arranged between them in a villa which the applicant used as a studio in Všenory (the Czech Republic). Eight people were present in the villa; however, a meeting in the bedroom took place between only the applicant, his brother, another Slovenian national and the Netherlands business partner. During the meeting, the Netherlands man was shot dead.

The deceased's bodyguard later told police that, through the open bedroom door, he had seen Mr Šmajgl shoot his boss. Jurisdiction for the case was transferred to Slovenia, because Mr Šmajgl was already serving a prison sentence there for a different offence. He was charged with murder, and was duly convicted by the Novo Mesto District Court on 17 January 2003. At trial, a written statement of the bodyguard had been admitted as evidence; however, he did not attend the hearing. Mr Šmajgl complained of this and appealed his conviction. It was overturned by the Supreme Court on 19 May 2005, on the grounds that he should have been given a chance to cross-examine the bodyguard and other foreign witnesses.

A retrial was arranged. However, the Netherlands bodyguard refused to attend in person, because he feared for his physical safety. An examination of the bodyguard and another witness was therefore scheduled to take place prior to the hearing; though a Netherlands court refused the applicant permission to attend the hearing himself, also on safety grounds. Mr Šmajgl's counsel was however permitted to attend, and asked the witnesses a number of questions. The bodyguard's evidence remained broadly consistent with his earlier statements, and was supported by ballistic and medical reports.

On 12 September 2006 the Novo Mesto District Court again convicted Mr Šmajgl of murder, and sentenced him to 15 years in prison. Appeals by Mr Šmajgl were dismissed by both the Ljubljana Higher Court and the Supreme Court; the latter finding that the bodyguard's evidence had been reliable, credible, consistent, and corroborated by other sources; and that Mr Šmajgl had had a sufficient opportunity to challenge it through the assistance of his counsel. Mr Šmajgl's appeal to the Constitutional Court was dismissed on 6 April 2010.

Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses), Mr Šmajgl complains in particular that his conviction was based to a decisive extent on a statement made by a witness he had not had the opportunity to cross-examine directly.

Rivard v. Switzerland (no. 21563/12)

The applicant, Joseph Paul Francois Rivard, is a Canadian national who was born in 1950 and lives in Duillier (Switzerland).

The case concerns Mr Rivard's allegation that he was penalised twice for the same facts, after exceeding the motorway speed limit.

In 2010 Mr Rivard was caught speeding in his motor vehicle. Consequently, in July 2010 the Traffic Violations Department of the Canton of Geneva fined him 600 Swiss francs for driving in excess of the speed limit. In September 2010 the Road Traffic Department of the Canton of Vaud ordered the withdrawal of his driving licence for one month for the same offence. Mr Rivard appealed against the decision to withdraw his licence, but his appeal was finally dismissed by the Vaud Cantonal Court in January 2011. He appealed to the Federal Court against that judgment, submitting that that administrative penalty violated the *non bis in idem* principle since he had already been fined for the same offence, but his appeal was dismissed in September 2011.

Relying on Article 4 of Protocol No. 7 (right not to be tried or punished twice), Mr Rivard complains about the imposition of a fine by the criminal court followed by the withdrawal of his driving licence by an administrative authority for the same offence, that is to say exceeding the motorway speed limit.

Cevrioğlu v. Turkey (no. 69546/12)

The applicant, Ali Murat Cevrioğlu, is a Turkish national who was born in 1956 and lives in Hatay (Turkey). The case concerns the death of Mr Cevrioğlu's ten-year-old son.

In February 1998 Mr Cevrioğlu's son died together with his friend, as a result of falling into a large water-filled hole in a private construction site in a residential area of the Antakya Municipality.

Shortly after the incident, criminal proceedings were instituted in the Hatay Criminal Court of First Instance against the owner of the construction site and three employees of the Antakaya Municipality. Relying on one of three conflicting expert reports, in April 2000 the court held that the Antakya Municipality and the private owner of the construction site bore responsibility for the accident, and that no responsibility could be attributed to the deceased children. The court found the construction site owner and the director of reconstruction at the Antakya Municipality guilty of causing death by negligence and failing to comply with regulations and orders.

However, the judgment was quashed by the Court of Cassation in July 2001. It found that the case should have been examined under Law no.4616, which provides for the suspension of criminal proceedings in respect of certain offences committed before 23 April 1999. In accordance with this finding, the first instance court suspended the criminal proceedings in August 2001.

Mr Cevrioğlu then entered a claim before the Hataya Civil Court of First Instance against the owner of the construction site, his construction company and the Antakya Municipality. In March 2005 the court found that 85% of the responsibility for the deaths of the children lay with the construction site owner and his company, ordering them to pay Mr Cevrioğlu and his family non-pecuniary and pecuniary damage. However, the court dismissed the claim that the Antakya Municipality was also responsible for the deaths. Mr Cevrioğlu and the other applicants appealed this finding, but the Court of Cassation found that the case against the Municipality should have been dismissed even earlier on procedural grounds, as this part of the claim should have been made in the administrative courts.

Compensation proceedings against the Antakya Municipality were eventually raised by Mr Cevrioğlu before the Hatay Administrative Court in 2009. However, the court held that no fault was attributable to the Municipality, and dismissed the claims. This decision was upheld by the Adana District Administrative Court in November 2011.

Mr Cevrioğlu claims that he and his family have not yet received any compensation from the construction site owner or his company. He has not commenced enforcement proceedings against the company, on the grounds that the owner has already dissipated its assets.

Mr Cevrioğlu's complaint will be examined under Article 2 (right to life) and Article 13 (right to an effective remedy) of the Convention. He maintains in particular that the state authorities failed to

protect his son's right to life; that they failed to provide him with timely and adequate redress for his son's death; and that none of the domestic remedies available to him have been effective.

Ürün v. Turkey (no. 36618/06)

The applicant, Güler Ürün, is a Turkish national who was born in 1986 and lives in Istanbul (Turkey). The case concerns the length and fairness of the compensation proceedings brought by Ms Ürün on account of her allegedly unlawful arrest following a demonstration.

In October 1998 Ms Ürün took part, alongside other pupils, in a demonstration to protest against the shortage of teachers in her school. According to the incident report the police intervened at the scene, seizing the placards and taking down the details of six pupils, including Ms Ürün, before letting them go.

Ms Ürün was subsequently questioned by the public prosecutor, who charged her with participation in an unlawful demonstration. On 1 March 2000 the Youth Court acquitted her. The judgment became final in March 2000, as no appeal had been lodged with the Court of Cassation.

In May 2000 Ms Ürün brought an action in the Eyüp Assize Court claiming compensation for unlawful detention, stating that she had been taken into custody at the police station and had been questioned in breach of the law, without her next-of-kin being informed. Her action was eventually dismissed by the Assize Court in April 2003, on the grounds that she had been taken to the police station for an identity check and had not been placed in police custody or in detention pending trial. The Court of Cassation upheld that judgment on 15 December 2006.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Ms Ürün complains that the proceedings before the administrative courts were unfair and excessively long. Relying in particular on Article 5 (right to liberty and security), she complains that no effective domestic remedy was available to her by which to obtain compensation and appeal against her arrest, which she claims was unlawful. Ms Ürün also relies on Article 8 (right to respect for private and family life) and Article 2 of Protocol No. 1 to the Convention (right to education).

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database HUDOC.

They will not appear in the press release issued on that day.

Mirošević-Anzulović v. Croatia (no. 25815/14)
Mátyus v. Hungary (no. 76928/11)
Nunes Lucas Saraiva and Trigo Saraiva v. Portugal (nos. 63582/13 and 18347/14)
Ciucioiu v. Romania (no. 22327/13)
Martocian v. Romania (no. 18183/09)
Torja v. Romania (no. 27018/06)
Dolgov and Silayev v. Russia (nos. 11215/10 and 55068/12)
Reznik and Guzeyeva v. Russia (nos. 59443/12 and 59502/12)
Rubin and Others v. Russia (nos. 8265/04, 10342/04, 20018/07, 21043/07, 10313/08, 13953/08, 36611/08, 50948/08, 59052/08, 31477/09, 56499/09, 4225/10, 42111/10, 43017/10 and 61212/10)
Zabelin and Zabelina v. Russia (no. 55382/07)

Thursday 6 October 2016

Chakalova-Ilieva v. Bulgaria (no. 53071/08)

The applicant, Veselina Ivanova Chakalova-Ilieva, is a Bulgarian national who was born in 1951 and lives in Stara Zagora (Bulgaria). The case concerns her dismissal from her post as head teacher.

Ms Chakalova-Ilieva worked as a head teacher in a secondary school in Stara Zagora. In July 2002, she was dismissed on disciplinary grounds by the head of the Regional Education Inspectorate ("REI"). She challenged the dismissal in court, seeking reinstatement and compensation for lost earnings. Her claim was successful at first instance, and was ultimately upheld by the Supreme Court of Cassation in November 2005.

However, when Ms Chakalova-Ilieva applied to take up her duties again two weeks later, a new order was issued for her dismissal by the REI. Once again, she challenged the decision in court. This time the REI claimed that it was not the proper defendant to the claim, and that Ms Chakalova-Ilieva should have issued it against the secondary school where she had been working prior to her dismissal. This objection had not been raised by the REI during the previous proceedings, or any of the courts that had previously heard the case. Nevertheless, in April 2006 the Stara Zagora District Court ruled in favour of the objection, and discontinued the proceedings. Ms Chakalova-Ilieva appealed this decision. However, after a series of different court rulings the Plovdid Appeal Court ultimately reached the same conclusion, and dismissed her claim on 16 April 2008.

Relying on Article 6 § 1 (access to court), Ms Chakalova-Ilieva complains that the courts' contradictory rulings had put her in a situation in which she had been unable to challenge her dismissal, because by the time the courts had decided the school was the appropriate defendant, the statutory two-month time limit for bringing the case had elapsed. She had therefore been denied effective access to a court. Relying on Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy), Ms Chakalova-Ilieva complains that she therefore lost the sum she would have obtained in compensation if her case had been examined on the merits, and that the State had given her no effective remedy to recover it.

Just Satisfaction

S.L. and J.L. v. Croatia (no. 13712/11)

This case deals with the question of just satisfaction following a judgment by the European Court of Human Rights about the state's protection of the interests of minors in a property deal.

The applicants, S.L. and J.L., are Croatian nationals who were born in 1987 and 1992 respectively and live in P. They are sisters.

S.L and J.L were the registered owners of a house near the sea in P. Their mother V.L and her husband Z.L, who was also J.L's father and legal guardian of both girls, wanted to sell the house. As the registered owners were still children at the time, they had to first obtain permission from the Social Welfare Centre. However before any sale occurred Z.L was detained and later sentenced to six years in prison. Shortly after Z.L was sent to prison in 2001, his defence lawyer sought the Social Welfare Centre's consent to swap rather than sell the house. He proposed that S.L and J.L's house be swapped for a flat which belonged to D.M who was in fact his mother-in-law. The Social Welfare Centre interviewed V.L and authorised the swap in 2001. In 2004, Z.L as the sisters' legal guardian brought a civil action against D.M, asking for the swap agreement to be declared null and void. The Court dismissed the case on the basis that it had been an administrative decision which could only be challenged through administrative proceedings. Subsequent appeals by Z.L and S.L, once she came of age, were also unsuccessful.

Relying on Article 1 (protection of property) of Protocol No. 1, S.L and J.L complained that the State, through the Social Welfare Centre, had failed to properly protect their interests as the owners of a villa which was of significantly greater value than the flat they had been given in exchange.

In its principal judgment of 7 May 2015 the Court held that there had been a violation of Article 1 of Protocol No. 1 and that the question of the application of Article 41 (just satisfaction) of the Convention concerning the claim for pecuniary damage was not ready for decision and reserved it for examination at a later date. The Court will deal with this question in its judgment of 6 October 2016.

Beausoleil v. France (no. 63979/11)

The applicant, Christian Beausoleil, is a French national who was born in 1952 and lives in Noisy-Le-Grand (France). The case concerns a judgment of the Court of Audit which, according to the applicant, was biased.

In 1990 Mr Beausoleil, a local councillor in the municipality of Noisy-le-Grand, was appointed as treasurer of the municipality's staff social committee, which was chaired by the mayor. During an audit of the municipal accounts for the financial years 1988 to 1993, the Ile-de-France regional audit office observed some irregularities and decided to widen the scope of its audit to include the committee's accounts and to initiate a *de facto* management procedure. On 22 November 1994 the regional audit office gave judgment provisionally declaring that the case was one of *de facto* management and declaring the committee, the mayor, Mr Beausoleil and another individual, jointly and severally, *de facto* accountants of the public funds wrongfully removed and handled since 1 January 1988. The Court of Audit referred publicly to the case in its 1995 annual report. On 16 January 1997 the Court of Audit gave judgment finally declaring Mr Beausoleil, the committee and the mayor jointly *de facto* accountants of the public funds that had been wrongfully removed and handled. On 16 December 1999 the regional audit office determined the balance on the account and delivered a judgment levying a surcharge. Mr Beausoleil appealed. In a judgment of 30 May 2002 the Court of Audit upheld the judgment in part and declared that Mr Beausoleil, jointly and severally with the committee and the mayor, owed the municipality of Noisy-le-Grand the sum of 404,175.42 euros (EUR). Mr Beausoleil appealed on points of law.

In a judgment of 30 December 2003 the *Conseil d'État* quashed the judgment of 30 May 2002 on the grounds that the regional audit office that had determined the balance on the account had not been lawfully composed since the rapporteur responsible for overseeing the management of the social committee had taken part in the deliberations of the judicial body that had given judgment. The case was remitted to the Court of Audit. In a judgment of 28 May 2008 the Court of Audit determined the final balance on the *de facto* management account and declared that the committee, the mayor and Mr Beausoleil, jointly and severally, owed the municipality the sum of EUR 404,175.42, plus statutory interest. Mr Beausoleil lodged an appeal on points of law, which was dismissed by the *Conseil d'État* on 21 March 2011. The applicant then brought proceedings under section 60-IX of the Finance Act 1963 seeking remission of the surcharge. The proceedings culminated in a judgment of the *Conseil d'État* declining to consider the application.

Relying on Article 6 § 1 (right to a fair hearing), Mr Beausoleil alleges that the Court of Audit was not impartial, on account of the references to a public report which prejudged the issue it was called upon to assess at the stage of determination of the balance on the account in question.

Malfatto and Mieille v. France (nos. 40886/06 and 51946/07)

The first applicant, Mr Henri Malfatto, was a French national who was born in 1929 and lived in Aix-en-Provence. He died in 2012. His sons, Jean-Michel Malfatto and Alain Malfatto, also French nationals, were born in 1958 and 1964 respectively and live in Aix-en-Provence. Jean-Claude Mieille is a French national who was born in 1955 and lives in Cabries.

The case concerns some land situated on an inlet ("*calanque*") of the Mediterranean coast. In 1964 a permit was issued allowing the land to be divided into plots. Under the terms of a national planning directive of 25 August 1979 and the Coastal Areas Act of 3 January 1986, the land in question was made subject to an absolute prohibition on construction, owing to the fact that it was located within 100 metres of the shoreline.

Mr Henri Malfatto owned land located on an inlet of the sea in the municipality of Ensuès-la-Redonne. In May 1964 the prefect of the *département* of Bouches-du-Rhône gave him permission to subdivide the land into plots. In July 1970 Mr Malfatto was authorised to sell individual plots before the construction work had been completed. He gifted three plots to his sons in December 1978 and sold a further plot to Mr Mieille in December 1979. A fifth plot was sold in March 1972 to M.T., who built a house on the land and continues to live there. In an order of 1 February 1982 the prefect published the land-use plan for the municipality, according to which land situated within the 100-metre coastal strip could not be built upon, in accordance with the 1979 national planning directive. In November 1984 the Marseilles Administrative Court allowed an appeal lodged by Henri Malfatto and set aside the land-use plan. On 18 November 1988 the *Conseil d'État* dismissed an appeal against that judgment by the Minister of Housing and Urban Planning. In the meantime, on 3 January 1986, the Coastal Areas Act concerning the development, protection and improvement of coastal areas entered into force, prohibiting all new building within 100 metres of the shoreline. In January 1989 Henri Malfatto applied for planning permission to build a house. His application was refused by the mayor. His subsequent appeals to the Administrative Court and the *Conseil d'État* were dismissed.

In July 1998 and February 1999 the applicants submitted preliminary applications for compensation to the prefect, alleging that their acquired rights had been infringed since the plots of land belonging to them had been made subject to a restriction prohibiting any building. In December 1998 and August 1999 they applied to the Administrative Court requesting that the State be ordered to afford redress for the damage sustained. In four judgments of 22 March 2001 the Administrative Court rejected their applications. The applicants appealed unsuccessfully to the Marseilles Administrative Court of Appeal.

The applicants lodged appeals on points of law with the *Conseil d'État*, relying in particular on Article 1 of Protocol No. 1 and on the Court's case-law. The *Conseil d'État* declined to consider the appeals by the members of the Malfatto family and dismissed Mr Mieille's appeal.

The applicants allege that the refusal of their requests for compensation amounted to a violation of Article 1 of Protocol No. 1 (protection of property). Relying on Article 6 § 1 (right to a fair hearing), the members of the Malfatto family allege that the *Conseil d'État* failed in its obligation to give reasons for its judgments and in its duty of impartiality, and argue that the domestic courts committed a manifest error of assessment. Under Article 14 (prohibition of discrimination) read in conjunction with Article 6 § 1 and Article 1 of Protocol No. 1, they contend that they were treated differently without any justification.

K.S. and M.S. v. Germany (no. 33696/11)

The applicants, Mr K.S. and Mrs M.S., husband and wife, are German nationals who were born in 1939 and 1942 respectively and live in Lauf (Germany). The case concerns a search of the applicants' home because they were suspected of tax evasion.

In 2006 the German tax authorities instigated proceedings against the applicants on suspicion of failing to declare about 50,000 euros of yearly interest in their tax returns from 2002 to 2006. The proceedings were triggered following receipt of information about the applicants' assets held in a Liechtenstein bank. The information had been illegally copied by an employee of the bank and purchased by the German secret service before finding its way to the tax authorities.

Using this information, a prosecutor obtained a warrant from a court for the search of the applicants' home in order to urgently obtain further evidence. Their home was thus searched in 2008: documents and computer files concerning the applicants' capital and information on their foundations were seized. They were eventually acquitted in 2012 in the criminal proceedings brought against them.

In the meantime, the applicants challenged the lawfulness of the search of their home. They argued that the warrant had been based on material which had been stolen from the Liechtenstein bank and bought by the German secret services, in breach of both international and domestic law. Their appeal was dismissed at first and second instance. The second-instance court, leaving open the question of whether the data had been obtained illegally, notably found that – according to the well-established case-law of the Federal Constitutional Court – evidence that had been illegally acquired by a third party could generally be used in criminal proceedings, unless it had been acquired through coercion or force. It also found that, in any case, the material seized did not involve the core area of the applicants' private life but their business activities. The applicants' challenge was ultimately dismissed in 2010 by the Federal Constitutional Court which found it to be settled case-law that there was no absolute rule that evidence which had been acquired in violation of procedural rules could not be used in criminal proceedings. The Federal Constitutional Court did not find it necessary to decide on whether the data had been obtained in breach of international and domestic law, as the lower courts had based their decision on what was, for the applicants, the best possible assumption, namely that the evidence might in fact have been acquired unlawfully.

Relying on Article 8 (right to respect for private and family life, the home, and the correspondence), the applicants complain that their home had been searched on the basis of a warrant issued on the strength of evidence which had been obtained in breach of German domestic and international law.

Moog v. Germany (nos. 23280/08 and 2334/10)

The applicant, Claus Moog, is a German national who was born in 1972 and lives in Cologne (Germany). The case concerns contact between him and his son.

Mr Moog's son, D., was born in July 1998. The applicant and D.'s mother, Ms K., separated in 1999. D. has lived with his mother ever since. From 1999 onwards Mr Moog and Ms K were engaged in repeated litigation over the custody of their son, and the right to have contact with him. This involved numerous expert reports, court hearings and judgments. Over this period, D. lived with his mother, whilst the extent of Mr Moog's contact rights fluctuated according to the most recent court ruling, and the degree of Ms K's alleged resistance to allowing contact. However, throughout the period, the extent of Mr Moog's contact with his son was highly limited.

In April 2007 the Cologne Family Court made an order which granted Mr Moog seven hours of contact per month with his son. However, on the day of the first visit, D. refused to leave with his father. In July 2007, the Family Court imposed a coercive fine of 3,000 euros on Ms K., because she had failed to meet her obligations under the contact order. However, on 8 February 2008 the Cologne Court of Appeal quashed the fine. The court doubted the ability of Ms K. to properly prepare D. for contact meetings, given Ms K.'s psychological conditions; and in any case, the court found that it was not reasonable to act counter to the child's wishes.

In the custody proceedings, an expert had been appointed to assess the child's best interests in the case. However in December 2008, before the expert had delivered his report, the Family Court decided to suspend Mr Moog's contact until 2012, on the basis that this was in interests of the child's welfare. In January 2009, the expert submitted a preliminary report, which suggested that contact with Mr Moog would not jeopardise the child's welfare.

In May 2009, the Family Court rejected Mr Moog's application for custody: leaving him with no custody, and no contact. Mr Moog appealed the contact and the custody decisions. However, the appeals were both dismissed by the Cologne Court of Appeal in two decisions dated 30 June 2009.

The court held that preventing contact between Mr Moog and his son was in the child's best interests, and in accordance with the child's wishes. The Federal Constitutional Court declined to consider Mr Moog's complaint.

Relying on Article 8 (right to respect for family life), Mr Moog complains in particular that the Court of Appeal's decision to quash Ms K's fine had effectively ended contact between him and his son; that the courts unjustly suspended his contact rights, basing their decision on insufficient evidence; and that since 1999 the courts had failed in their duty to exercise exceptional diligence in the contact proceedings, meaning that he was unable to form a relationship with his son. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), he also complains that the proceedings had been unfair (in particular because the Court of Appeal did not hear testimony from his son), and that the proceedings had taken an excessive amount of time.

W.P. v. Germany (no. 55594/13)

The applicant, Mr W.P., is a German national who was born in 1944. At the time of lodging his application, he was detained in a Centre for persons in preventive detention in Hamburg-Fuhlsbüttel Prison. He now lives in Pinneberg (both in Germany).

Between October 1970 and May 1991, W.P. was convicted of five counts of rape of young women, which were committed within only a couple of months after his release from prison. In March 1994, the Lübeck Regional Court convicted him again, finding that he had lured an 18-year-old woman into a forest, before raping her. He was sentenced to eight years' imprisonment. After reviewing W.P.'s criminal history and consulting a medical expert, the court found that the applicant had a propensity to commit serious sexual offences and was dangerous to the public. In addition to the eight-year prison sentence, the court therefore also ordered W.P.'s preventive detention under Article 66 § 1 of the Criminal Code.

Between 1994 and 2002, W.P. served his criminal sentence. On 10 January 2002 he remained imprisoned, but from this time on his incarceration resulted from the order for preventive detention. The statutory maximum period for preventive detention was ten years, which in W.P.'s case ended on 9 January 2012. However, he remained detained beyond this time.

In October 2012, the case came before the Lübeck Regional Court. Based on a medical report, the court found that W.P. suffered from a serious personality disorder with narcissistic elements, involving a denial of his own aggression. Noting W.P.'s propensity to reoffend, the court ordered that W.P.'s retrospectively-extended preventive detention should continue.

W.P. appealed this decision, claiming that the expert report was over two-and-a-half years old and was therefore out of date; and that the extension of his preventive detention beyond the ten-year statutory limit was illegal. His appeal was dismissed by the Schleswig-Holstein Court of Appeal in November 2012, which found that there had been additional evidential grounds for W.P.'s continued detention. W.P. made a complaint to the Constitutional Court, but the court declined to consider it.

From the beginning of W.P.'s preventive detention, he had been imprisoned in Lübeck prison. Throughout his time there, W.P. refused psychological treatment, and refused transfer to the prison's social therapeutic department. However, on 22 May 2013 he was transferred to the Centre for persons in preventive detention in Hamburg-Fuhlsbüttel Prison. He started therapy soon after his arrival.

W.P.'s case was reviewed once again by the Hamburg Regional Court on 24 October 2013. A new expert report stated that, though W.P. demonstrated an accentuated personality, possibly with sadistic personality traits, he showed no signs of sexual sadism, and that there was a medium risk that he would commit serious sexual offences if released. Nevertheless, the court ordered his preventive detention to continue.

In August 2014, on the basis of an additional expert report the Hamburg Regional Court found that W.P. had no mental disorder, and that there was not a high likelihood that he would commit the most serious sexual crimes. The court terminated his preventive detention and ordered his release on 1 October 2014.

Relying on Article 5 § 1 (right to liberty and security) and Article 7 § 1 (no punishment without law), W.P. complains that the extension of his detention beyond the ten-year maximum unlawfully breached his right to liberty; that it was based on insufficient expert evidence; and that it amounted to retrospective punishment.

Alexopoulos and Others v. Greece (no. 41804/13)

The applicants are ten Greek nationals, a Serbian national and a Turkish national who are all in prison in Komotini (Greece). The case concerns their conditions of detention in Komotini Prison.

According to the inmates, Komotini Prison, which has a capacity of 96, housed 345 prisoners in early 2013. The prison was thus overcrowded, with each prisoner having a personal space of only 1.2 square metres or 1.7 square metres, depending on the dimensions of the cell. Moreover, the cells were allegedly poorly ventilated and lacked natural light. Not all cells had toilets, meaning that prisoners had to make use of the communal toilets, of which there was an insufficient number. The prison did not have a canteen and the inmates were obliged to eat their meals on their beds.

Relying on Article 3 (prohibition of inhuman or degrading treatment) read in conjunction with Article 13 (right to an effective remedy), the applicants complain about their conditions of detention and of the lack of an effective remedy in that regard.

Constantinides v. Greece (no. 76438/12)

The applicant, Yiangos Constantinides, is a British national of Cypriot origin who was born in 1943 and lives in London. He complains of the admission in evidence at his trial of a graphologist's report prepared by an expert who did not attend the hearings.

In 1997 Mr Constantinides and C.G. bought a plot of land in the Glyfada district of Athens. They requested the entry of the deed of sale in the mortgage registry, but their request was refused because the State claimed ownership of the land in question. In 2004 the investigating judge drew up an indictment against Mr Constantinides and C.G. accusing them of having used false documents in order to persuade the administrative authorities that the land in question was a privately owned forestry estate which could be disposed of. The graphologist's expert report requested by the public prosecutor's office and prepared by M.M.K., a lawyer and expert in graphology, found that one of the two documents appeared to have been drawn up by Mr Constantinides, while the other contained elements added by his co-accused. In giving evidence before the investigating judge Mr Constantinides challenged the competence of the graphologist but did not present a report by his own expert, C.T.S. He later submitted three reports written by another expert, D.K., according to which the documents in question had not been written by the accused and M.M.K.'s report was inaccurate.

Mr Constantinides and C.G. were committed for trial in the Athens Criminal Court of Appeal on charges of forgery and the use of forged documents. The President summoned the experts M.M.K. and D.K. to appear, but only D.K. presented his findings at the hearing. On 20 March 2007 the Criminal Court of Appeal found Mr Constantinides guilty as charged and sentenced him in his absence to 12 years' imprisonment. On 8 April 2010 the Court of Appeal upheld the conviction and reduced the sentence to 11 years' imprisonment. At the close of the hearing Mr Constantinides's lawyers requested that evidence be heard from a witness and from the experts D.K. and M.M.K. Their request was refused. In February 2010 Mr Constantinides lodged an appeal on points of law, alleging that he had been convicted solely on the basis of M.K.K.'s report without being given the

opportunity to put questions to the expert during the first-instance or appeal proceedings. The Court of Cassation dismissed his appeal in April 2012.

Relying on Article 6 §§ 1 (right to a fair trial) and 3 (d) (right to examine witnesses), the applicant complains of the lower courts' refusal to examine an expert whose report formed the sole basis for his conviction, and of the failure of the Court of Cassation to give sufficient reasons for dismissing the ground of appeal concerning that refusal.

Kalandia v. Greece (no. 48684/15)

The applicant, Dato Kalandia, is a Georgian national who was born in 1986 and is being held in Alikarnassos Prison (Greece). The case concerns Mr Kalandia's conditions of detention and the conditions of his transfer between prisons. Mr Kalandia suffers from AIDS (acquired immune deficiency syndrome). The case also concerns the refusal of his application for conditional release.

Mr Kalandia was sentenced to life imprisonment and has been in custody in various Greek prisons since 2012. He is HIV-positive and contends that his health has deteriorated since his imprisonment, that he has developed AIDS and that the illness is in the terminal stages.

In June 2014 Mr Kalandia submitted an application for conditional release which was rejected by the Indictment Division of the Corfu Criminal Court on the ground that the applicant had not developed AIDS but was simply HIV-positive.

In October and November 2015 Mr Kalandia lodged two requests for interim measures with the Court (Rule 39 of the Rules of Court). The Court granted the requests and asked the Government to take the necessary measures to provide the applicant with the requisite medical treatment and to ensure that his conditions of detention and transfer were appropriate to his state of health.

Mr Kalandia also complains of his conditions of detention in Grevena, Larissa and Alikarnassos prisons and of the conditions in which he was transferred to those prisons and to hospital.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Kalandia complains of his conditions of detention and transfer and alleges that the treatment provided to him in detention has been inadequate. He complains in that regard that the interim measures indicated by the Court have not been implemented.

Under Article 13 (right to an effective remedy) taken in conjunction with Article 3 (prohibition of inhuman or degrading treatment), Mr Kalandia maintains that he did not have access to an effective remedy by which to complain of his conditions of detention and obtain his prompt release.

Mauriello v. Italy (no. 14862/07)

The applicant, Olga Mauriello, is an Italian national who was born in 1933 and lives in Naples (Italy). The case concerns the fact that the retirement pension contributions paid by Ms Mauriello during her ten-year career were only partially reimbursed since she did not qualify for a civil servant's pension because she had not paid contributions for 15 years as required under domestic law.

Ms Mauriello was employed as a legal secretary from 29 May 1990 to 30 November 2000. As a result, she paid contributions to the National Civil-Service Pensions Institute (INPS).

On 1 December 2000 Ms Mauriello reached compulsory retirement age and had to stop work. As she had not paid sufficient contributions to qualify for a retirement pension, she applied to the domestic courts for permission to continue working until the age of 70. The Court of Cassation rejected her application on the ground that domestic law made no provision for such a possibility in her case.

The total amount of contributions paid by Ms Mauriello into the special retirement fund for civil servants was paid to the INPS with a view to creating a pension account under the compulsory scheme for old-age, invalidity and survivors' pensions. The lump sum to which she was entitled in

lieu of a pension, amounting to 7,151.68 euros (EUR), was used to create a pension account with the INPS and was therefore not paid to Ms Mauriello. According to the applicant, in order to qualify for a pension she would have had to pay around EUR 10,300 in voluntary contributions into the pension account, an amount which she was unable to afford.

Without relying on any Article in particular, Ms Mauriello complains that she was deprived of all the pension contributions deducted from her salary during her career and that she did not receive any corresponding amount in the form of a retirement pension or a lump sum.

Richmond Yaw and Others v. Italy (nos. 3342/11, 3391/11, 3408/11 and 3447/11)

The applicants, Taky Berko Richmond Yaw, Yaw Ansu Matthew, Darke Isaac Kwadwo and Dominic Twumasi, are four Ghanaian nationals who were born in 1974, 1983, 1979 and 1986 respectively and live in Castel Volturno (Italy). The case concerns their placement in detention with a view to their removal from the country.

The four applicants arrived in Italy in June 2008 after fleeing the inter-religious clashes in Ghana. On 20 November 2008 deportation orders were issued with a view to their removal. On the same day, the Prefecture ordered their placement in a temporary detention centre so that they could be identified. On 24 November 2008 the justice of the peace upheld the order for their detention. On 17 December 2008 their detention was extended by 30 days without the applicants or their lawyer being informed. They were released on 14 January 2009.

In June 2009 the deportation orders were set aside. In June 2010 the Court of Cassation declared the detention order of 17 December 2008 null and void on the ground that it had been adopted without a hearing and in the absence of the applicants and their lawyer. The applicants lodged four separate actions against the Ministry of the Interior and the Ministry of Justice seeking compensation for the damage sustained in connection with their detention from 24 November 2008 to 14 January 2009. Their claims were dismissed by the Rome District Court.

Relying on Article 5 § 1 of the Convention (right to liberty and security), the applicants complain that their detention was unlawful. Under Article 5 § 4 (right to a speedy decision on the lawfulness of detention), they complain of the lack of an effective domestic remedy by which to appeal against their detention, and of the time taken to examine their appeals, which were pending for over 18 months before the Court of Cassation. Relying on Article 5 § 5 of the Convention (right to liberty and security), the applicants also allege that no means was available to them under Italian law by which to obtain redress for the violations complained of.

Jemeļjanovs v. Latvia (no. 37364/05)

The applicant, Vasilijs Jemeļjanovs, is a Latvian national who was born in 1965 and lives in Daugavpils (Latvia). The case concerns his complaint about not having legal assistance in the first-instance criminal proceedings against him.

On 5 October 2004 Mr Jemeļjanovs was involved in a fight outside a grocery store in which he stabbed a man who later died. He was arrested the same day on suspicion of murder and placed in detention. The prosecution transferred his case to the Daugavpils Court for trial. He was represented by two legal aid lawyers before this first-instance court, but they were both released from their responsibilities at Mr Jemeļjanovs' request in April and June 2005, respectively, on the ground that they had differing views to him on the conduct of his defence. His complaint about the quality of the second State-appointed lawyer's services was considered but dismissed as unjustified. Before releasing the second State-appointed lawyer from his duties, the courts warned Mr Jemeļjanovs that an accused did not have the right under the relevant legislation to choose a legal aid lawyer, but that he did have the right to hire a lawyer of his own choosing at his own expense or defend himself without a lawyer.

From September 2005 onwards Mr Jemeļjanovs was thus not represented by a lawyer in the first-instance proceedings. He was found guilty of murder in February 2006 and sentenced to 12 years' imprisonment. The first-instance based its finding on Mr Jemeļjanovs partly admitting his guilt during the preliminary investigation and the evidence of seven eye-witnesses to the fight. This court dismissed his allegation that he had not been provided with adequate legal assistance as, at the point when he had refused the State-appointed lawyers' services, the court had not yet started to hear evidence.

Mr Jemeļjanovs appealed and was represented at this stage by two different court-appointed lawyers. However, in November 2006 the appeal court upheld the first-instance judgment, finding that there had been no discrepancies in the witness testimonies. The appeal court endorsed the findings of the first-instance court as to Mr Jemeļjanovs' defence rights, also pointing out that even though witnesses had been called twice at first instance Mr Jemeļjanovs had refused to put any questions to them.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), Mr Jemeļjanovs complains about being deprived of his right to legal assistance from September 2005 onwards, arguing that he had refused the services of State-appointed lawyers because of the poor quality of their assistance and that he had not intended to waive his right to all legal assistance when dismissing the second State-appointed lawyer.

Pivovarnik v. Ukraine (no. 29070/15)

The applicant, Yuriy Pivovarnik, is a Ukrainian national who was born in 1977 and prior to his arrest lived in Svitlovodsk, Kirovograd Region (Ukraine). The case concerns his complaint about inadequate medical care in detention.

Mr Pivovarnik was arrested on suspicion of drug-related offences in June 2014 and placed in detention on remand. His pre-trial detention was extended until his conviction and sentencing to three years' imprisonment in March 2015.

Already diagnosed with hepatitis C before his arrest, he consulted the prison doctor on a number of occasions between August and December 2014 complaining of pain below his lower ribs. In December 2014 the prison authorities informed Mr Pivovarnik's lawyer that his client needed to be examined by an infectious diseases specialist. In March 2015 a blood test, which confirmed the hepatitis C diagnosis, also confirmed that Mr Pivovarnik required medical attention.

In June 2015 the European Court of Human Rights (ECtHR) decided to apply interim measures under Rule 39, indicating to the Ukrainian Government that Mr Pivovarnik should urgently be examined by a specialist doctor.

As a result of this interim measure, Mr Pivovarnik had a comprehensive medical examination in July 2015 and the doctors found that he was suffering from liver impairment. The doctors recommended a number of blood tests and prescribed him with hepatoprotectors. He subsequently complained to the ECtHR that these recommendations were not being followed through. His treatment started in September 2015 and he had certain blood tests, just before his release on probation.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Pivovarnik complains that he was not provided with adequate medical care in detention. Also relying on Article 34 (right of individual petition), he alleges that the Ukrainian Government failed to comply with the ECtHR interim measure, in particular certain recommended blood tests were not carried out and he only started receiving the treatment prescribed to him by doctors with a two-month delay.

Strogan v. Ukraine (no. 30198/11)

The applicant, Yakov Strogan, is a Ukrainian national who was born in 1967 and lives in Kharkiv (Ukraine). The case concerns in particular his allegation of police brutality.

On 15 August 2010 Mr Strogan was involved in a fight with his neighbour. The police took him early the next morning to Kharkiv police station so that he could give evidence about the fight. He alleges that later on that day, the police ill-treated him and unlawfully detained him until 19 August 2010.

He alleges that on leaving the station later on in the morning, the police ill-treated him until releasing him on 19 August 2010.

Mr Strogan alleges that he was subjected to further ill-treatment following his arrest and questioning on 9 December 2010 on suspicion of attempting to murder his neighbour. He was placed in detention on the basis of his record of serious offences and the risk of him interfering with the investigation, absconding or reoffending. His pre-trial detention was extended on similar grounds until March 2012 when he was released upon giving a written undertaking not to abscond. He was eventually convicted in August 2012 of inflicting minor bodily injuries on his neighbour and given a two-year sentence, which the court found that he had already served while in pre-trial detention.

Mr Strogan complained to the authorities about being ill-treated by the police in August and December 2010. As to the first complaint, the prosecuting authorities carried out a pre-investigation inquiry involving an inspection of the police station, a medical examination of Mr Strogan, questioning of the police officers and of Mr Strogan himself. The authorities eventually terminated the investigation in December 2014, finding that the evidence suggested that Mr Strogan's injuries must have occurred, as explained by the police officers, during the fight with his neighbour. Following the second complaint, Mr Strogan had a series of medical examinations between 9 and 14 December 2010. However, on 21 December 2010 the prosecuting authorities refused to open criminal proceedings for the alleged police brutality due to lack of evidence.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Strogan alleges that he was ill-treated by the police on two occasions in August and December 2010 and that there were no effective investigations into his complaints. He also makes a number of complaints under Article 5 §§ 1, 3, 4 and 5 (right to liberty and security), namely: that he was held in unrecorded detention between 16 and 19 August 2010; that his arrest and detention on 9 December 2010 was unlawful; that his pre-trial detention was not justified; that the courts failed to examine the possibility of his release; and that he did not have an enforceable right to compensation for his unlawful detention.

Daniel Faulkner v. the United Kingdom (no. 68909/13)

The applicant, Daniel Faulkner, is a British national who was born in 1982 and is detained in HM Prison Dovegate, Uttoxeter (England, UK). The case concerns Mr Faulkner's detention whilst he waited for a delayed Parole Board hearing.

Mr Faulkner was convicted of causing grievous bodily harm, and in August 2001 he was sentenced by the Crown Court to spend a minimum period of two years, eight and a half months in prison (minus time spent on remand). This period ended on 18 April 2004, when Mr Faulkner became eligible for parole. On two subsequent occasions the Parole Board recommended that Mr Faulkner be transferred to open conditions, but both recommendations were rejected by the Secretary of State. In the second rejection, it was specified that the Parole Board should next hear Mr Faulkner's case in January 2008. However, due to delays, the Parole Board did not hear the case until January 2009. At this time the board directed Mr Faulkner's release, and he was set free four days later.

Meanwhile, in the autumn of 2008 Mr Faulkner launched judicial review proceedings against the Secretary of State and the Parole Board, seeking damages for the delay in holding his parole hearing. Though the claim was dismissed by the High Court, it was successful on appeal in December 2010. The Court of Appeal held that between March 2008 and January 2009 there had been an unjustified delay in the holding of the parole hearing; that this delay prevented Mr Faulkner from having the lawfulness of his detention decided speedily by a court, as required under Article 5 § 4 of the

Convention; and that it was likely that Mr Faulkner would have been released had the review taken place in March 2008. Mr Faulkner was awarded compensation of 10,000 pounds sterling (GBP).

The case was appealed to the Supreme Court. Mr Faulkner sought the additional finding that his detention after March 2008 constituted false imprisonment, under common law or Article 5 § 1 of the Convention. The Supreme Court dismissed this argument on 1 May 2013, finding that the delay was not of such a character or such a degree as to constitute a breach of Article 5 § 1. The court also reduced Mr Faulkner's compensation for breach of Article 5 § 4 to GBP 6,500.

Relying on Article 5 § 1 (right to liberty and security), Mr Faulkner complains of his detention between March 2008 and his delayed Parole Board review in January 2009. He claims that his detention was only lawful as long as it was justified by the risk he posed; that there was no such risk after March 2008; and therefore that after this time, his detention was arbitrary and unlawful.

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database HUDOC.

They will not appear in the press release issued on that day.

Brahimaj v. Albania (no. 4801/13)
Mihani v. Albania (no. 47760/09)
Shehu v. Albania (no. 33704/09)
Societe Andre & Cie v. Albania (no. 19630/07)
Glavas v. Croatia (no. 33137/14)
Kovac v. Croatia (no. 63556/13)
Kovacic v. Croatia (no. 65559/13)
Vorkapić and Others v. Croatia (nos. 29835/13, 768/15, 2549/15, 12407/15, 38383/15 and 38524/15)
Amade v. the Czech Republic (no. 22796/16)
Krejci v. the Czech Republic (no. 30609/09)
F.M. and Others v. Denmark (no. 20159/16)
A.A. and A.A. v. France (no. 39707/13)
Camara v. France (no. 57276/13)
Le Pen v. France (no. 52672/13)
Abashidze v. Georgia (no. 6926/10)
JSC Vaziani v. Georgia (no. 19377/09)
Kharadze v. Georgia (no. 19419/12)
Ninidze v. Georgia (no. 15556/11)
Tchumburidze v. Georgia (no. 9605/09)
Fuhrmann v. Germany (no. 8733/15)
Ablai v. Greece (no. 35425/13)
Alfatah-Abdo v. Greece (no. 62802/13)
Apostolopoulou and Dimitriadou v. Greece (nos. 3101/14 and 3106/14)
Daggitsi v. Greece (no. 75473/11)
Indiaj v. Greece (no. 40951/13)
Karvelas and Pania v. Greece (no. 64516/12)
Metnane and Others v. Greece (no. 41808/13)
R.A. v. Greece (no. 58394/11)
Rahman v. Greece (no. 40945/13)
S.A. v. Greece (no. 37984/12)
Addazio v. Italy (no. 37413/06)
Consumatori Associati and Others v. Italy (no. 56378/10)

Danese and Others v. Italy (nos. 11399/16 and 11436/16)
Di Caprio and Others v. Italy (nos. 19931/09, 546/11, 62042/11 and 67930/11)
Distribuzione Automatica Bellini SAS v. Italy (no. 15183/11)
Guerriero v. Italy (no. 20804/07)
Guerriero and Bissi v. Italy (no. 11627/06)
Madonia v. Italy (no. 48974/12)
Ranucci and Others v. Italy (nos. 43993/12, 1129/13, 23913/13 and 62150/13)
Serra and Others v. Italy (nos. 48921/08, 4936/09, 20655/09, 28932/09, 37415/09, 41846/09, 53252/09, 60339/09, 17128/10, 57124/10, 60799/11, 60803/11, 62511/11, 62552/11, 62683/11 and 62715/11)
Saulys v. Lithuania (no. 43635/13)
Semenas v. Lithuania (no. 42233/11)
Vaivada v. Lithuania (no. 48303/13)
Gatt and Caruana v. Malta (no. 59421/14)
Investprivatbank S.A. v. the Republic of Moldova (no. 34230/09)
Voltman v. the Republic of Moldova (no. 31052/04)
Nurzynski v. Poland (no. 50579/14)
Szparag v. Poland (no. 52980/14)
Bartok v. Romania (nos. 17282/09, 38319/14, and 45632/14)
Botea v. Romania (no. 44880/14)
Buta v. Romania (nos. 20957/08 and 20958/08)
Corlan and Others v. Romania (nos. 53416/14, 62657/14, 62455/15, 62458/15, 62459/15, 62462/15 and 62467/15)
Cozma and Others v. Romania (nos. 51836/14, 61479/14, and 58428/15)
Dragomir and Others v. Romania (nos. 23864/06, 80668/13, 1879/14, 35028/14 and 40579/14)
Halmaghi v. Romania (no. 29281/03)
Hilote v. Romania (no. 15838/06)
Hoamea and Toth v. Romania (nos. 31936/15 and 36363/15)
Ioniță and Others v. Romania (no. 69191/13, 75158/13, 3509/14, 36001/14, 40427/14, 53796/14, 61099/14 and 66181/14)
Istrate v. Romania (no. 75125/13)
Les v. Romania (no. 28841/09)
Măcărel and Others v. Romania (nos. 50454/14, 26056/15 and 36018/15)
Makkai v. Romania (no. 51527/12)
Marinescu and Others v. Romania (nos. 43809/14, 53235/14, 59525/14 and 29258/15)
Naftule v. Romania (no. 15641/04)
Nedeluș and Others v. Romania (nos. 1340/14, 17994/14 and 47193/14)
Radu and Others v. Romania (nos. 36614/13, 72396/14, 43587/15 and 44235/15)
Ristin v. Romania (no. 22314/14)
S.C. Antares & Andre S.R.L. v. Romania (no. 15181/10)
S.C. Chaw Chaw Impex S.R.L. v. Romania (no. 47163/09)
Savu v. Romania (no. 40136/13)
Vieru and Others v. Romania (nos. 31083/14, 46513/14, 19145/15, 40817/15, 41374/15, 47906/15 and 52847/15)
Bausov and Others v. Russia (nos. 7748/07, 41035/07, 12298/09, 56557/13, 78680/13 and 1401/14)
Bekuzarov and Others v. Russia (nos. 44786/11, 1884/12, 9837/12, 32631/12, 37187/13, 9612/14, 28543/15, 37353/15, and 43931/15)
Berduto and Others v. Russia (nos. 25125/09, 63242/09, 3046/12, 4830/12, 6905/13, 13927/13, 49999/13, 54889/13, 70362/13, 4482/14, 49203/14 and 8851/15)
Blinnikov and Others v. Russia (nos. 43460/11, 44005/11, 46239/11, 53668/11, 55883/12, 78682/13, 61626/14 and 67946/14)

Briskin and Others v. Russia (nos. 61034/09, 32728/10, 26317/12, and 7971/15)
Chirykina v. Russia (no. 33188/07)
Filimonov and Fazlutdinov v. Russia (nos. 71621/13 and 381/15)
Godanyuk and Andriyenko v. Russia (nos. 40881/07 and 51332/08)
Khamzin and Others v. Russia (nos. 72986/10, 5441/11, 21051/11, 32021/14, and 40987/14)
Kornus and Others v. Russia (nos. 52018/09, 66579/09, 61355/10, 64909/10, 44583/12, 55264/13, 55478/15 and 55526/15)
Malkov and Others v. Russia (nos. 73864/10, 402/14, 5312/14, 6122/14, 8839/14, 10032/14, 14402/14, 18003/14, 19701/14, 23028/14, and 14573/15)
Muzychenko and Others v. Russia (nos. 54675/12, 76168/12, 56974/13, 10613/14, 18259/14, 36650/14, 12127/15, and 22190/15)
Pechnikov and Others v. Russia (nos. 3285/07, 16111/07, 5766/11 and 23119/11)
Publishing House 'Pskov News' v. Russia (no. 12424/04)
Serpokrylov and Others v. Russia (nos. 13970/10, 9409/11, 19302/11, 59998/11, 66358/11, 50818/13, 54158/13, 74608/13, 78449/13 and 65943/14)
Shafray and Others v. Russia (no. 36108/10, 55232/10, 55601/10, 67588/11, 35064/14, 38036/14, 45483/14, 63817/14, 74590/14, 18199/15, 26208/15, 34121/15 and 46215/15)
Smirnov and Others v. Russia (nos. 67591/09, 11362/11, 17950/11, 80737/13 and 38727/14)
Smirnova v. Russia (no. 50228/06)
Sukhachev and Others v. Russia (nos. 58765/09, 7383/10, 63450/10, 26167/11, 36003/11, 44065/12, 75867/12, 42216/13 and 43773/15)
Walichniewicz and Others v. Russia (nos. 23617/09, 20427/10, 53227/11 and 18238/15)
Biagioli v. San Marino (no. 64735/14)
Brodogradiliste Kraljevica d.d. v. Slovenia (no. 6038/11)
Subinski v. Slovenia (no. 48298/13)
NML Capital Ltd and EM Limited v. Switzerland (no. 7633/11)
Noveski and Stoleski v. "the former Yugoslav Republic of Macedonia" (nos. 25163/08, 2681/10 and 71872/13)
Akova v. Turkey (no. 33969/15)
Bakhtiiarova and Durmus v. Turkey (no. 74585/12)
Balbal v. Turkey (no. 81653/12)
Bulut and Others v. Turkey (nos. 24000/07, 24440/07 and 25217/07)
Cristina v. Turkey (no. 13907/13)
Demirel and Karaman v. Turkey (no. 4446/08)
Gunes and Others v. Turkey (no. 33273/11)
Kus v. Turkey (no. 75024/12)
Lemghari and Hajjaj v. Turkey (no. 10641/12)
Muhammed v. Turkey (no. 12778/12)
Musayev v. Turkey (no. 20295/13)
S. B. v. Turkey (no. 38287/11)
Sen v. Turkey (no. 81492/12)
Goryayeva v. Ukraine (no. 58656/10)
Yarovenko v. Ukraine (no. 24710/06)

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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.