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 19 judgments on Tuesday 14 February 2017 and 98 judgments and / or decisions on Thursday 16 February 2017.

*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 14 February 2017

Hokkeling v. the Netherlands (application no. 30749/12)

The applicant, Albert Johannes Hokkeling, is a Dutch national who was born in 1947. At the time when his application was submitted, Mr Hokkeling was serving a prison sentence in Oslo, Norway, for drugs offences. The case concerns his complaint about not being able to attend in person an appeal hearing in a criminal case against him in the Netherlands.

Mr Hokkeling was convicted at first instance in May 2007 of involvement in kidnapping and torture and of drugs trafficking. He was sentenced to four years and six months' imprisonment. He was released in March 2009 after having served two-thirds of his sentence.

Both Mr Hokkeling and the prosecution appealed against the first-instance judgment. The appeal hearing on the case was adjourned on numerous occasions before being resumed on 18 May 2009. A further adjournment was ordered, however, since more witnesses were to be heard at the request of the defence. The hearing was resumed again on 27 October 2009. Mr Hokkeling, in the meantime released, had been arrested three weeks earlier in Norway on suspicion of importing drugs and could not attend. His counsel therefore asked that he be brought to the Netherlands. Neither extradition nor temporary transfer under the European Convention on Mutual Assistance in Criminal Matters proved possible and the next hearing in the case on 1 June 2010 went ahead without Mr Hokkeling. The Court of Appeal declined to adjourn its hearing until he could be present, despite counsel's request. It notably found that: he had brought it on himself that he could not now attend the appeal hearing; that he had had the opportunity to express his views at first instance, to attend all the appeal hearings before his arrest in Norway and to discuss the case with his counsel who, in any event, had been expressly authorised to defend him; and that, on balance, the interest of bringing the case to a close within a reasonable time outweighed the suspect's right to take part in the hearing in person. The Court of Appeal thus gave judgment and convicted Mr Hokkeling of complicity in causing grievous bodily harm resulting in death, abduction and transporting and possessing hashish. It sentenced him to eight years' imprisonment, which he served (less the time he had already served following the first-instance conviction) following his return from Norway.

In December 2011 the Supreme Court dismissed Mr Hokkeling's appeal on points of law with summary reasoning.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing) of the European Convention on Human Rights, Mr Hokkeling complains that he was prevented from attending in person, alongside his counsel, the appeal hearing in his case.

Martins O'Neill Pedrosa v. Portugal (no. 55214/15)

The applicant, Rafael Martins O'Neill Pedrosa, is a Portuguese national who was born in 1995 and is currently detained in Lisbon. The case concerns his complaint about the time it took to examine his appeal against a detention order.

In December 2013 criminal proceedings were initiated against Mr Martins O'Neill Pedrosa on suspicion of, among other things, coercion and rape. He was subsequently arrested in the United Kingdom and surrendered to the Portuguese authorities on 27 February 2015. The investigating judge immediately remanded him in custody. Mr Pedrosa appealed that decision on 19 March 2015. 14 days later his appeal was ruled admissible by the investigating judge who also requested observations from the public prosecutor. After receiving observations from the public prosecutor on 27 April 2015 and notifying Mr Pedrosa of them, the investigating judge ordered that the file be submitted to the Lisbon Court of Appeal. 51 days later, on 2 July 2015, Mr Pedrosa's appeal was ultimately dismissed and the investigating judge's decision to hold him in pre-trial detention was upheld.

Relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), the applicant complains that his request for a review of the lawfulness of his pre-trial detention had not been examined within a reasonable time.

Pătraşcu v. Romania (no. 7600/09)

The applicant, Alex Fabian Pătraşcu, is a Romanian national who was born in 1986 and lives in Botârlău (Romania). The case concerns an allegation of police entrapment.

In February 2007 an undercover police officer approached Mr Pătraşcu in a nightclub in order to verify information that he might have been dealing in drugs. The undercover officer reported that Mr Pătraşcu had claimed during the encounter that he could obtain drugs and promised to call with more details. A criminal investigation was thus opened against Mr Pătraşcu on suspicion of drug trafficking and a covert operation was authorised. Mr Pătraşcu did subsequently call the undercover officer to ask whether he was interested in buying ecstasy. The undercover officer also called Mr Pătraşcu on several occasions in April and May 2007 to enquire when the transaction might take place. Eventually, on 19 July 2007, Mr Pătraşcu called to set up a meeting for the same evening. As the deal got underway the case prosecutor and ten police officers intervened and arrested Mr Pătraşcu. He signed, without any objection, the offence report drafted on the spot by the police.

Mr Pătraşcu was convicted in February 2008 of drug trafficking and sentenced to six years' imprisonment. His conviction was based entirely on the evidence gathered in the covert operation, specifically the police reports, transcripts of the telephone conversations between the undercover police officer and Mr Pătraşcu setting up the drug sale and recordings of conversations between the officer and another man involved in the deal. His appeal before the Ploieşti Court of Appeal was subsequently rejected, as was his appeal on points of law before the High Court of Cassation and Justice.

Mr Pătraşcu's pleas of incitement throughout those proceedings were all dismissed, because the domestic courts considered that the evidence in the file clearly disproved any entrapment. In particular, the courts found that there had been serious reason to suspect, on the basis of the police reports, that Mr Pătraşcu would commit a criminal offence at the time of the authorisation of the covert operation and that, on the basis of telephone transcripts, he had indeed initiated calls to the undercover police officer on two occasions in order to act as intermediary in the drug deal.

Relying on Article 6 § 1 (right to a fair trial), Mr Pătraşcu alleges that the criminal proceedings against him were unfair, as he had been incited to commit the drugs offence by an undercover police officer and as his ensuing conviction had been essentially based on evidence obtained by that entrapment. He further submits that he had never before been involved in drug transactions and therefore the

authorities had had no reasonable suspicion against him when the covert operation had been authorised.

Allanazarova v. Russia (no. 46721/15)

The applicant, Nataliya Ivanovna Allanazarova, is a Turkmen national who was born in 1961 and lives in Saratov (Russia). The case concerns a request for extradition addressed by the Turkmen authorities to Russia in respect of Ms Allanazarova, who was wanted in Turkmenistan on fraud charges.

On 18 July 2012 Ms Allanazarova was charged with fraud by the Turkmen authorities, who ordered in her absence that she be held in custody and issued a warrant for her arrest. In the meantime she had left Turkmenistan in 2012 to go to Russia, where she was arrested on 19 July 2014 and remanded in custody there.

On 16 August 2014 the Prosecutor-General of Turkmenistan issued an extradition request to the Russian authorities, stating among other assurances that Ms Allanazarova would not be subjected to torture or to inhuman or degrading treatment and that she would not be discriminated against on grounds of social situation, race, religion or origin. The request was granted by the Deputy Prosecutor-General of Russia on 12 May 2015 and Ms Allanazarova's appeals, arguing in particular that her extradition would expose her to a risk of ill-treatment, were rejected.

In the meantime, on 14 August 2014, Ms Allanazarova had filed an application for refugee status, which was rejected by the Russian Federal Migration Service, finding that there were no serious reasons to believe that she risked persecution. On 16 October 2015 that authority nevertheless granted her temporary refugee status for one year.

In addition, on 24 September 2015, the European Court of Human Rights granted her request for an interim measure (Rule 39 of the Rules of Court), indicating to the Russian authorities that she must not be extradited until the end of the proceedings before it.

Relying on Article 3 (prohibition of inhuman or degrading treatment) taken separately and together with Article 13 (right to an effective remedy), Ms Allanazarova alleges that her extradition to her country of origin (Turkmenistan) would expose her to ill-treatment and she complains that she does not have an effective remedy for the purpose of making that claim to the Russian authorities.

Karakhanyan v. Russia (no. 24421/11)

The applicant, Olga Karakhanyan, is a Russian national who was born in 1973 and lives in Orenburg (Russia). The case concerns her allegation that her husband died in detention due to inadequate medical care.

Ms Karakhanyan's husband, Sergey Grabarchuk, died in May 2010 while serving an 11-year prison sentence for robbery. The ensuing autopsy showed that he had died from HIV and tuberculosis.

Mr Grabarchuk had been diagnosed with HIV after his arrest and placement in a remand prison in 2003. He was subsequently also diagnosed with tuberculosis and transferred for seven months in 2009 to a prison hospital for treatment. According to records in his medical file (not apparently signed by Mr Grabarchuk), treatment for his tuberculosis was stopped between 22 March and 13 April 2010 and antiretroviral therapy was not given for his HIV from 13 March 2010 until his death. The authorities submit that treatment had been interrupted because Mr Grabarchuk had refused it. His wife, on the other hand, claims that although her husband, who had been misdiagnosed during his detention and lost faith in the doctors treating him, had refused to follow certain recommendations, he had persistently requested to have the HIV treatment altered rather than cancelled. His health drastically deteriorated in May 2010 and he died in the prison hospital, despite his wife's attempts to have him transferred to a civilian hospital.

A criminal inquiry was carried out into Mr Grabarchuk's death. The investigating authorities obtained the autopsy report and questioned two doctors who had treated Mr Grabarchuk, but in October 2011 they refused to open a criminal case. The domestic courts subsequently overruled that decision, finding that the investigators had failed to address Mr Grabarchuk's wife's allegation of deliberate indifference to her husband's medical condition, and ordered a further investigation to address that shortcoming. However, no investigation has apparently since followed.

Relying in particular on Article 2 (right to life), Ms Karakhanyan alleges that the authorities were responsible for her husband's death because of their failure to provide him with adequate medical care in detention and that the related investigation was ineffective.

Maslova v. Russia (no. 15980/12)

The applicant, Lyubov Petrovna Maslova, is a Russian national who was born in 1961 and lives in Aksakovo (Orenburg region). The case concerns her brother's death in a police station.

On 19 December 2005 Vasiliy Liamov, the applicant's brother, was arrested by officer P., who handcuffed him and put him into a vehicle with another officer, A. They travelled to Buguruslan police station, 100 kilometres from the place of the arrest. On his arrival, Vasiliy Liamov was taken out of the vehicle and placed on the floor in the entrance hall of the police station. He stayed there for five hours without medical assistance. At around 9 p.m. an officer called an ambulance after failing to find a pulse. A doctor arrived and recorded Mr Liamov's "biological death" on the spot.

In December 2005 the Buguruslan public prosecutor ordered the opening of a criminal investigation. An expert found several wounds including trauma of the cervical vertebrae which had apparently caused Mr Liamov's death within a few minutes. After a number of adjournments, on 13 December 2010 the Buguruslan Criminal Court sentenced P. to five years' imprisonment for abuse of authority and assault resulting in unintended death. A. was acquitted. On 15 February 2011 the Orenburg Regional Court upheld A.'s acquittal and quashed P.'s conviction, referring the case back to the court below. On 11 July 2011 P. was convicted, in a third judgment, of aggravated abuse of authority but acquitted on the charge of assault resulting in unintended death. On 6 September 2011 the Orenburg Regional Court amended that judgment on appeal, adding a ruling that a criminal investigation be launched to identify the person responsible for the acts of aggression which caused the death. That investigation is still pending.

Ms Maslova brought civil proceedings against the State Treasury seeking compensation for the non-pecuniary damage she alleged to have suffered on account of her brother's death. She complained of a breach of Articles 2 and 3 of the European Convention on Human Rights. On 25 April 2012 the Orenburg Regional Court found that there had been a violation of Articles 2 and 3 of the Convention in respect of Mr Liamov. It declared the State liable for the death and ordered the Ministry of Finance to pay the applicant compensation for the non-pecuniary damage.

Relying on Articles 2 (right to life) and 3 (prohibition of torture and inhuman or degrading treatment), the applicant alleges that her brother, who was held at the Buguruslan police station, was the victim of police ill-treatment which caused his death. She complains that the police failed to take all necessary steps to protect her brother's life. She also complains about the ineffectiveness of the investigation into the circumstances in which her brother died following the alleged ill-treatment.

S.K. v. Russia (no. 52722/15)

The applicant, S.K., is a Syrian national who was born in 1986. Since February 2015 he has been kept in a detention centre for foreign nationals in the town of Makhachkala, Dagestan Republic (Russia).

S.K. arrived in Russia in October 2011 on a temporary business visa. He stayed beyond the expiry of the visa and started a relationship with a Russian national. The couple had a child in 2013, and

married in 2014. In February 2015 he was found guilty of an administrative offence: remaining in Russia beyond the expiry of his visa. The court ordered that he pay a fine and be subjected to the penalty of administrative removal. S.K. was placed in a detention facility for foreigners in the town of Makhachkala, awaiting his administrative removal. One week later, the judgment was upheld on appeal by the Supreme Court of the Dagestan Republic.

Thereafter, he applied for temporary asylum in Russia. He referred to ongoing intensive military actions in Syria. In June 2015 the local migration authority dismissed S.K.'s application for temporary asylum. S.K. sought a review before the Federal Migration Service. However, the body upheld the refusal, noting that S.K. had been convicted of administrative offences. S.K. then applied for judicial review of the decisions. Basmannyy District Court of Moscow upheld the refusal to grant temporary asylum in December 2015. In the course of its reasoning, the court held that S.K. was at a risk of violence which was no more intensive than that faced by other people living in Syria. S.K. appealed the judgment to the Moscow City Court, claiming that the District Court had not paid proper attention to the risk to his life and physical integrity. The court dismissed the appeal on 8 June 2016.

Relying on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment), S.K. complains that the situation in Syria (both at the present time and in 2015) means that he would face serious risk of injury or death if he were to be expelled there. Relying on Article 13 (right to an effective remedy) in conjunction with Articles 2 and 3, S.K. argues that he had no effective remedy for this complaint. Relying on Article 5 (right to liberty), he complains that his continuing detention is arbitrary, given that he cannot be removed to Syria – and that there was no domestic procedure which he could have used to have his detention reviewed. Finally, S.K. relies on Article 8 (right to respect for family life) and Article 13, to complain that his removal from Russia would cause a disproportionate interference with his family life.

The application was lodged with the Court on 26 October 2015. On that day, and on 12 November 2015, the Court indicated an interim measure under Rule 39, that S.K. should not be removed from Russia for the duration of the proceedings before the Court.

Lekić v. Slovenia (no. 36480/07)

The applicant, Ljubomir Lekić, is a Slovenian national who was born in 1956 and lives in Ljubljana. The case concerns the striking off of a company that Mr Lekić had a share in, and his subsequent liability for the company's debts.

During the 1990s, Mr Lekić was a member, employee and eventually managing director of the company L.E.. Following the death or serious injury of four key members and managers in 1993, the company experienced serious financial difficulties. It faced a civil claim for 5,000,000 Slovenian tolars (approximately 20,000 euros) from the Railway Company of Slovenia, on account of unpaid transport services. However, by 1995 the company was no longer liquid or solvent. It eventually became inactive.

In 1997 the remaining members of the company decided to apply for bankruptcy. However, the company's bankruptcy petition was rejected by the court, because there had been no advance payment of the costs and expenses. The members decided that they could not incur these costs, choosing instead to wait for the courts to liquidate the company on its own motion, which was possible under the law at the time.

In 2000, the Railway Company obtained a judgment in its favour, which ordered L.E. to pay it the outstanding sum.

Slovenian company legislation was changed in 1999. The power of the courts to wind up and liquidate companies on their own motion was repealed, and instead the courts were granted the power to strike off companies from the court register without them being wound up. Under this procedure, companies could be dissolved without their assets being collected and used to pay

creditors. Furthermore, the members of struck-off companies would assume joint and several liability for the companies' debts.

In 2001, this new procedure was used to strike off L.E. from the court's register. L.E. had ceased to operate at its registered address (or any other premises), so no service on the company could occur. According to Mr Lekić, he had no knowledge of the strike off.

After the strike-off, the Railway Company applied for an enforcement order against the seven members of L.E., in relation to the judgment debt of approximately 20,000 euros with statutory interest. It was granted an order to seize Mr Lekić's personal possessions, which was served on him in December 2004. Mr Lekić resisted the order in court, by lodging an objection to it and applying for a stay of enforcement. He argued that he had not been an active member of L.E. at the relevant time, which would have exonerated him from paying the company's debt. The Ljubljana Local Court rejected the claim that he had been inactive, finding that the burden was on Mr Lekić to prove that he had not been an active member, and that he had failed to do so. It upheld the enforcement order and refused to grant a stay of enforcement.

Mr Lekić lodged an appeal, but this was dismissed by the Higher Court of Ljubljana. The court held that the measure of 'lifting the corporate veil' in such a case was consistent with the Constitution. Mr Lekić lodged two further cassation appeals, but these were both rejected. The final decision was made in July 2007.

In 2010 the enforcement order against Mr Lekić's salary was executed, and a part of his monthly salary payments were seized to pay off the debt. The following year, Mr Lekić reached a settlement with the Railway Company, and paid the agreed amount. In total, he paid 32,795 euros to his creditor.

Relying in particular on Article 1 of Protocol No. 1 (protection of property), Mr Lekić complains that the striking-off of the company and his ensuing liability had interfered with his property rights and amounted to an unlawful deprivation of property. He argues that the lifting of the corporate veil under the strike-off procedure had violated the principle of legal certainty, that it had lacked any legitimate aim, and that it had not been justified. Relying on Article 13 (right to an effective remedy), he also complains that he was denied an effective remedy in relation to the strike-off proceedings.

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.

Franz Maier GmbH v. Austria (no. 24143/11)
Cereale Flor S.A. and Roșca v. the Republic of Moldova (nos. 24042/09 and 3159/10)
Barbu v. Romania (no. 257/14)
Făgăraş v. Romania (no. 75431/10)
Lazăr v. Romania (no. 14249/07)
Mihăilescu v. Romania (no. 11220/14)
Pendiuc v. Romania (no. 17605/15)
Potoroc v. Romania (no. 59452/09)
Denisenko v. Russia (no. 18322/05)
Lobkov and Rassolov v. Russia (nos. 43215/10 and 56270/10)
Nikitin v. Russia (no. 22185/07)

Thursday 16 February 2017

D.M. v. Greece (no. 44559/15)

The applicant D.M. is a Georgian national who was born in 1976 and is currently serving a sentence in Nigrita prison in Serres. He is disabled and is complaining about the conditions in that prison.

On 24 July 2013 D.M. was sentenced to eight years' imprisonment. On 22 August 2014 he sought the recalculation of the term. An expert's assessment was ordered and it concluded D.M. had a 70% level of disability on account of orthopaedic problems. On 4 June 2015 D.M. was convicted again and sentenced to a term of 17 years and nine months. On 16 June 2015 the prosecutor supervising Nigrita prison decided that one day served would equal two days of the remaining sentence.

D.M. states that, in addition to his orthopaedic problems, he suffers from an intestinal irritation and pharyngitis. He says that he cannot walk, remain standing or carry out day-to-day tasks.

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment) and 13 (right to an effective remedy), he complains about the conditions of his detention and about the lack of an effective remedy.

Gavrilov v. Ukraine (no. 11691/06)

The applicant, Vladimir Vasilyevich Gavrilov, was born in 1947. Mr Gavrilov is a retired military officer. The case concerns civil proceedings relating to a dispute about his pension.

Mr Gavrilov instituted proceedings before the Simferopol Garrison Military Court against a local military enlistment office, seeking an order to recalculate his pension. In May 2005 the court found against him. The decision was upheld on appeal by the Navy Court of Appeal on 11 August 2005.

On 30 August 2005 Mr Gavrilov appealed on points of law to the Higher Administrative Court of Ukraine. On 17 October 2005, the court set Mr Gavrilov the time-limit of 1 November 2005 to rectify the procedural shortcomings of his appeal. Mr Gavrilov submitted a rectified appeal, which was still dated 30 August 2005. According to the acknowledgment of receipt form, it was received by the court registry on 27 October 2005.

However, the Higher Administrative Court then adopted two decisions refusing to examine the appeal. The first stated that Mr Gavrilov had failed to rectify the appeal within the time-limit set by the court in its decision of 17 October. The second held that the appeal had been lodged outside the statutory time limit for lodging an appeal, and noted that Mr Gavrilov had failed to submit a request for an extension to the time-limit.

Relying on Article 6 § 1 (access to court), Mr Gavrilov complains that he was arbitrarily denied access to the Higher Administrative Court of Ukraine. He argues that the court refused to examine his appeal on the grounds that it was submitted out of time – even though the court had already granted him additional time, and he had duly lodged his amended appeal before the court's deadline.

Andriy Karakutsya and Nadiya Karakutsya v. Ukraine (no. 18986/06)

The applicants, Andriy Karakutsya and Nadiya Karakutsya, husband and wife, are Ukrainian nationals. The case concerns their eviction from their family home.

Whilst Mr Karakutsya was serving in the military, he was allocated a studio in a residence hall of the National Defence Academy of Ukraine. He lived there with his wife and their daughter. In December 2001 Mr Karakutsya resigned from military service, citing family circumstances. The Defence Academy and Office of the Prosecutor General then instituted proceedings to recover possession of the studio, claiming that the family was no longer entitled to accommodation after Mr Karakutsya

had left military service. In response, the applicants argued that the State had a special duty to Mr Karakutsya to continue providing him with housing.

In November 2003, the Shevchenkivskyy District Court found in favour of the claimants, holding that the applicants were legally obliged to vacate the property. Mr Karakutsya lodged an appeal. The first instance judgment was upheld by the Court of Appeal in January 2004, after a hearing held in Mr Karakutsya's absence. According to the applicants, they were evicted from the studio three months later.

In 2005 Mr Karakutsya submitted written complaints to the President of the Court of Appeal, asking why the hearing of his appeal was being delayed. He was informed that the appeal had already taken place, and that the court had upheld the judgment which had been made at first instance. The applicants then lodged an appeal with the Supreme Court of Ukraine for leave to appeal in cassation out of time, claiming that the Court of Appeal had failed to notify them of the date and time of their appeal, or of the court's judgment. In December 2005 the Supreme Court rejected the request, on the grounds that leave to appeal could only be granted within one year of the pronouncement of the decision being appealed.

Relying in substance on Article 6 § 1 (access to court), the applicants complain that they were arbitrarily denied access to the Supreme Court. In particular, they allege that the Court of Appeal's failure to notify them of the hearing of their case, or its judgment on it, prevented them from making a cassation appeal within the time limit applied by the Supreme Court. They also complain that their eviction violated their "right to a home", as envisaged under Article 8 (right to respect for home and family life).

Artur Parkhomenko v. Ukraine (no. 40464/05)

The applicant, Artur Parkhomenko, is a Ukrainian national who was born in 1971 and lives in Zaporizhzhya (Ukraine). The case concerns criminal proceedings brought against him for armed robbery.

Mr Parkhomenko was arrested and placed in pre-trial detention on 15 June 2001 on suspicion of having attempted to rob a couple in their apartment at gunpoint. He was questioned on 16 and 18 June, and on both occasions admitted that he had attacked the couple at the instigation of La., a former inmate with whom he had served a prison sentence between 1993 and 1999. La. had provided him with the pistol and waited nearby while he had carried out the attack, driving him home and reclaiming the gun afterwards. Before making both of those statements, Mr Parkhomenko had been informed of his right to legal counsel and his right to remain silent but signed written waivers of those rights. However, after confrontations with La. and another former cellmate also allegedly involved in the attack on the couple, Mr Parkhomenko stated that he had acted alone. He also refused to have any further confrontations with his former cellmates. On 9 October 2001 Mr Parkhomenko asked the authorities to assign him a lawyer. However, he was questioned without a lawyer being present, and changed his statement again, alleging that he had indeed committed the attack with the help of his former prison inmates but had felt obliged to say he had committed the attack alone out of fear of reprisals.

The case was subsequently submitted for trial to the Kyiv Court of Appeal. In July 2002 Mr Parkhomenko complained to that court that the police had tortured him during his initial questioning (in June 2001) in order to make him incriminate his former cellmate, La.. He repeated this allegation when questioned in court and stated that he had acted alone when carrying out the attack.

Mr Parkhomenko was convicted in December 2004 and sentenced to seven years' imprisonment for having attacked the couple in conspiracy with two of his former prison cellmates. In reaching that conclusion, the court relied on his various statements made in the course of the pre-trial investigation, the statements made by the investigator who had questioned him on 9 October 2001

confirming that Mr Parkhomenko had lied during the confrontations with his former cellmates because he had been threatened and the fact that the bullet found at the crime scene had been shot from the gun later found in La.'s apartment. It found that Mr Parkhomenko's submissions regarding police pressure were unsubstantiated. The Supreme Court upheld this first-instance judgment in May 2005.

Mr Parkhomenko was released on parole in May 2007.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Parkhomenko alleges that he was beaten and threatened by the police during his initial questioning. He further complains under Article 3 that his poor conditions of detention, notably lack of fresh air and poor food, had lead to him developing tuberculosis. Further relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), he alleges that the criminal proceedings against him were unfair, submitting in particular that he had been convicted of robbery in conspiracy with others only on the basis of confessions obtained in the absence of a lawyer. Lastly, he complains under Article 34 (right of individual petition) that the authorities refused to provide him with a copy of his request for a lawyer of 9 October 2001 which was necessary for the proceedings he had brought before the European Court of Human Rights.

Kryvenkyy v. Ukraine (no. 43768/07)

The applicant, Volodymyr Kryvenkyy, is a Ukrainian national who was born in 1934 and lives in Velyki Gadomtsi (Ukraine). The case concerns his complaint about losing his title to a plot of farmland.

In 1997 Mr Kryvenkyy was allocated some farmland in-kind as a share in a plot of land co-owned by members of a collective farm. Subsequently, in June 2003 he was officially issued with an individual land-ownership certificate for the land. However, he had to stop farming the land in August 2006 when his title to the land was annulled by the civil courts. This was because of a mistake that had occurred in attributing the land; namely, in a decision made by Parliament, a portion of Mr Kryvenkyy's land had already been expropriated and attributed in 1999 to a company for the exploitation of kaolin deposits. Mr Kryvenkyy's request for leave to appeal in cassation, arguing that he had obtained the land lawfully and in good faith, was rejected by the Supreme Court of Ukraine in April 2007.

Relying in particular on Article 1 of Protocol No. 1 (protection of property), Mr Kryvenkyy complains that he was deprived of his farmland, without compensation or the courts making any effort to strike a fair balance between the competing interests at stake.

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Caka v. Albania (no. 74941/14)
Hatija v. Albania (no. 53103/15)
Murrja v. Albania (no. 20225/11)
Rushiti v. Albania (no. 23136/13)
Hovhannisyan v. Armenia (no. 2386/11)
Abbasli v. Azerbaijan (nos. 5417/13 and 73309/14)
Babak Hasanov v. Azerbaijan (nos. 43137/13 and 43153/13)
Bayram Bayramov and Others v. Azerbaijan (nos. 74609/10, 57737/11, 67351/11, 67977/11, 69411/11, and 69421/11)
Bayramli v. Azerbaijan (no. 72230/11 and 43061/13)
Jamil Hajiyev v. Azerbaijan (nos. 42989/13 and 43027/13)

Mahammad Majidli v. Azerbaijan (nos. 24508/11 and 44581/13)
Gelashvili v. Georgia (no. 21098/09)
Javakhadze v. Georgia (no. 17847/10)
Brinkhofer v. Germany (no. 62765/15)
Apostolopoulos and Others v. Greece (no. 23872/14)
Argyropoulos v. Greece (no. 19706/11)
Dionysopoulos v. Greece (no. 22435/10)
Giouroukou and Others v. Greece (nos. 27755/13, 27786/13, 27793/13, 30561/13, 44109/13, 51563/13, 51728/13, 60037/13, 25409/14, and 31529/14)
Josef and Others v. Greece (no. 76854/11)
Karachalios v. Greece (no. 67810/14)
Kolotouros and Others v. Greece (no. 35953/11)
Mathaios and Others v. Greece (no. 65142/14)
Psofaki and Others v. Greece (no. 18882/14)
Forhecz v. Hungary (no. 973/14)
Horvath v. Hungary (no. 48471/13)
Jozsefne Kovacs v. Hungary (no. 8268/15)
K.G. v. Hungary (no. 41279/13)
Kery v. Hungary (no. 78122/13)
Latkoczy v. Hungary (no. 50452/13)
Meszaros v. Hungary (no. 49075/13)
Mucsi v. Hungary (no. 36733/13)
Praga v. Hungary (no. 63907/13)
Smoking Bt and Others v. Hungary (no. 65570/13)
Szigeti v. Hungary (no. 925/14)
Toth v. Hungary (no. 44754/13)
Travaglio v. Italy (no. 64746/14)
Voto v. Italy (no. 28476/09)
Petrulevic v. Lithuania (no. 61084/11)
Šćepović and Others v. Montenegro (nos. 14561/08, 15577/10, and 62483/10)
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