



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 22 judgments on Tuesday 15 May 2018 and 52 judgments and / or decisions on Thursday 17 May 2018.

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

Tuesday 15 May 2018

### Unifaun Theatre Productions Limited and Others v. Malta (application no. 37326/13)

The applicants are Unifaun Theatre Productions Limited, a limited liability company, and four Maltese nationals, Adrian Buckle, Christopher Gatt, Maria Pia Zammit and Mikhail Acopovich Basmadjian who were born in 1971, 1960, 1968, and 1972 respectively.

The case concerns a complaint by the applicants about the authorities' decision to ban the play "Stitching", written by the Scottish playwright Anthony Neilson.

In December 2008 the first applicant applied to the Board for Film and Stage Classification for a rating certificate ahead of a planned staging of the play, which deals with a troubled relationship between a man and a woman. However, the Board banned the play. The reasons for the decision included the play being blasphemous, showing contempt for the victims of the Auschwitz death camp, portraying dangerous sexual perversions and referring to the sexual assault of children.

The domestic courts rejected constitutional appeals under Article 10 and Article 6 of the Convention in June 2010 and November 2012. In particular, the Constitutional Court found that any genuine aim the play had in portraying relationships was submerged under the instances of blasphemy, the vilification of the dignity of women and children, and the glorification of sexual perversion.

The applicants complain about the ban under Article 10 (freedom of expression) of the European Convention on Human Rights.

### Virgil Dan Vasile v. Romania (no. 35517/11)

The applicant, Virgil Dan Vasile, is a Romanian national who was born in 1985 and lives in Pașcani (Romania). He alleges that he was the target of police incitement using an undercover agent.

In March 2007 a prosecutor with the Directorate for Investigating Organised Crime and Terrorism (DIICOT) authorised two officers and a collaborator to infiltrate an international drug-trafficking ring. The individuals in question approached Mr Vasile. A procedure for the discovery of an offence while being committed was organised and was carried out on 26 March 2007. On the same day a report was drawn up by the authorities and signed by Mr Vasile. In May 2007 the DIICOT committed the applicant for trial. The County Court heard evidence from the applicant and his co-accused.

On 23 April 2009 the County Court sentenced Mr Vasile to five years' imprisonment for drug trafficking. He appealed unsuccessfully. On 30 November 2010 the High Court of Cassation and Justice dismissed a further appeal by the applicant as being unfounded. The High Court ruled that Mr Vasile's involvement in the drug trafficking had been corroborated by evidence that had been duly examined by the lower courts and that there was no evidence to support the allegations of police incitement.

Relying on Article 6 § 1 (right to a fair trial), the applicant complains that his conviction was the result of police incitement. Under Article 6 §§ 1 and 3 (d) (right to a fair trial and right to question witnesses), he alleges that he was convicted on the sole basis of the statements made by the undercover agent, whom he was unable to question or have questioned.

#### [Agarkova v. Russia \(no. 29951/09\)](#)

The applicant, Zoya Ivanovna Agarkova, is a Russian national who was born in 1945 and lives in Kaliningrad (Russia).

The case concerns her son, who was taken to hospital on 17 January 2007 with severe head trauma, lapsed into a coma and died a few weeks later.

Criminal proceedings were instituted almost a month after he died. The investigating authorities established that his head injuries had been inflicted by a certain V. during a fight. V. was then charged with homicide and the case was referred for trial. However, the case has never been examined on the merits as it was returned to the investigating authorities so they could re-draft the bill of indictment and, since then, the criminal proceedings have been repeatedly discontinued and resumed. Most recently, in December 2012, the authorities decided to resume the proceedings and give a polygraph test to the police officers who took Ms Agarkova's son to the police station after the fight. The case has been pending since then.

In the meantime, Ms Agarkova, who was convinced that the police had been involved in her son's death, repeatedly challenged the adequacy of the investigation into her son's death and tried to have criminal proceedings brought against the officers allegedly involved, without success.

Relying in particular on Article 2 (right to life), Ms Agarkova alleges that the investigation into her son's death has been ineffective.

#### [Lutskevich v. Russia \(nos. 6312/13 and 60902/14\)](#)

The applicant, Denis Aleksandrovich Lutskevich, is a Russian national who was born in 1992 and lives in Lobnya, Moscow Region.

The case concerns his arrest, detention and conviction after taking part in a demonstration in Moscow in 6 May 2012 on Bolotnaya Square and is one of a series of cases linked to that incident.

Mr Lutskevich states that he was beaten by the police when the demonstration was dispersed and that in the early hours of 7 May he was admitted to hospital. He was arrested in June and placed in pre-trial detention. He was charged with taking part in acts of mass disorder and the use of violence against a public official, in particular of pulling a policeman's helmet off his head. Further charges were later laid against him, including that of throwing pieces of tarmac at the police. He was kept in detention until his conviction in February 2014, when he was sentenced to three years and six months in jail.

Mr Lutskevich complains under Article 3 (prohibition of inhuman or degrading treatment) about the conditions of his detention in his remand prison, in the holding room at Moscow City Court and during his transfers between the remand prison and court for hearings. He also alleges that he was subjected to ill-treatment by the police during the dispersal of the protest and that there was no effective investigation. In addition, he complains under this provision about being held in glass cabins and metal cages during his court hearings.

Relying on Article 5 §§ 1 and 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial), he complains that his pre-trial detention was not based on a reasonable suspicion and was not justified by relevant and sufficient reasons, and makes various complaints about his trial under Article 6 §§ 1 and 3 (b) and (c) (right to a fair trial / right to adequate time and facilities for preparation of defence / right to legal assistance of own choosing). He

complains under Article 10 (freedom of expression), and Article 11 (freedom of assembly and association), of disruptive security measures at the protest and that his prosecution and conviction were arbitrary and disproportionate. He also complains under Article 18 (limitation on use of restrictions on rights).

#### [Muruzheva v. Russia \(no. 62526/15\)](#)

The applicant, Leyla Khamarzovna Muruzheva, is a Russian national who was born in 1985 and lives in Moscow.

The case concerns Ms Muruzheva's attempts to enforce a court order that her children should live with her rather than her former husband.

Ms Muruzheva separated from her husband in January 2014 and he took their two children, without her knowledge, to Ingushetiya to live with his parents, himself returning to Moscow. In June 2014 the Izamylovskiy District Court of Moscow granted Ms Muruzheva a residence order in respect of the two children.

Bailiffs in both Ingushetiya and Moscow were involved in trying to enforce the order for the return of the children to the applicant, in particular by visiting their place of residence in Ingushetiya, restricting the husband's movements, visiting the husband at his apartment in Moscow and by imposing fines on him for failure to fulfil the court's residence order. The judgment has remained unenforced to date.

Ms Muruzheva complains about the failure to fulfil the court order under Article 8 (right to respect for private and family life).

#### [Pankov v. Russia \(no. 52550/08\)](#)

The applicant, Vladislav Stanislavovich Pankov, is a Russian national who was born in 1987 and lives in Perm.

The case concerns an allegation of police brutality. Stopped by the police late at night on 9 April 2007 for an identity check and taken to a police station, Mr Pankov alleges that he was beaten by a police officer the following morning. He was questioned as a witness in a robbery the same day and released. On being released he was examined by doctors who reported that he had head injuries. No criminal proceedings were ever brought into his ensuing complaint to the prosecuting authorities of ill-treatment because the investigator found that there was nothing to confirm that the injuries had been inflicted by the police. The investigator's refusal to initiate criminal proceedings was upheld by the domestic courts in 2008.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Mr Pankov alleges that he was ill-treated in police custody and that no effective investigation into his allegation was ever carried out.

#### [Sergey Ivanov v. Russia \(no. 14416/06\)](#)

The applicant, Sergey Vladimirovich Ivanov, is a Russian national who was born in 1966. He is currently serving a 15-and-a-half-year prison sentence in the Nizhniy Novgorod region (Russia) following his conviction in 2006 of theft and armed robbery.

The case concerns his allegation that he was repeatedly tortured into confessing to the crimes which led to his conviction, by the police and by convicted prisoners acting on police instructions.

Mr Ivanov was taken into police custody on 8 June 2004 following a search of his flat as a robbery suspect. He alleges that the police punched and kicked him, and blocked his nose and mouth with a rag until he lost consciousness, thus forcing him into writing a confession. He was brought before a judge the next day, and remanded in custody.

He submits that, during his subsequent detention on remand, the police took him away to a police station and ill-treated him on two further occasions, on 22 and 28 June 2004. A doctor recorded injuries on 29 June which he concluded had been inflicted on Mr Ivanov the previous day. A month later he was transferred to a correctional colony where he alleges that he was repeatedly visited and beaten by the police and fellow prisoners. At some point while in the colony he again signed a confession, which he reiterated in November 2004 during his questioning as an accused.

His complaints that he had only confessed under duress never led to a prosecution as the investigating authorities, essentially relying on the police officers' denials of ill-treatment, found that there was a lack of evidence to prove that a crime had been committed.

When convicting Mr Ivanov, the trial court relied on the investigating authorities' decisions and rejected his request that his confessions be declared inadmissible, and his confessions thus formed part of the evidence against him. It further rejected statements by two witnesses at trial, in particular Mr Ivanov's son and a former prisoner, who confirmed that they had seen Mr Ivanov with bruises and having difficulty walking.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Ivanov complains that the violence to which he was subjected in police custody and at the correctional colony amounted to torture, and that there was no effective investigation into his allegations. Also relying on Article 6 § 1 (right to a fair trial), he complains that his conviction was based on confessions extracted from him by torture.

#### [Sancaklı v. Turkey \(no. 1385/07\)](#)

The case concerns proceedings brought against a hotel owner for facilitating prostitution.

The applicant, Rifat Sancaklı, is a Turkish national who was born in 1955. He lives in Istanbul (Turkey) where he owns the Hotel Sancak.

In May 2005 the prosecuting authorities indicted Mr Sancaklı on charges of failing to obey an order from an official authority on the grounds that he had provided premises for prostitution in his hotel. Shortly afterwards the domestic court found him guilty as charged. Under new legislation which had recently entered into force, his offence was found to be a misdemeanour and he was sentenced to an administrative fine of 100 Turkish lira (62 euros at the time). He objected to this decision, arguing that there was insufficient evidence to prove that he had known about the prostitution. The domestic court's decision was however upheld in February 2006.

Relying on Article 6 § 1 (right to a fair trial), Mr Sancaklı alleges that the proceedings against him were unfair because the domestic court did not hold an oral hearing on his case and that, although the fine was low, it could seriously affect his reputation given the offence in question.

#### [Vatandaş v. Turkey \(no. 37869/08\)](#)

The applicant, Mehmet Uğraş Vatandaş, is a Turkish national who was born in 1979 and lives in Istanbul. The case concerns his allegations of ill-treatment in the course of his arrest.

On 6 April 2002 Mr Vatandaş was arrested by anti-riot police officers during a demonstration in Istanbul. He was then handed over to police officers from the Beyoğlu district, who were instructed to take him to the police station. He was released that night. The following day he lodged a criminal complaint through his lawyer.

On 22 April 2004, on conclusion of the proceedings, the Criminal Court acquitted the police officers on the grounds that there was no evidence that they had committed the alleged offences, and that the anti-riot police officers concerned had not been identified. Eventually, on 14 June 2011, the Court of Cassation closed the case, finding that prosecution of the offences was time-barred.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant complains of being subjected to ill-treatment – including a fractured elbow – in the course of his arrest. Under Article 13 (right to an effective remedy), he alleges that the investigation carried out concerning the police officers, which ended with the discontinuance of the criminal proceedings as being time-barred, was ineffective.

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.

**Mereuta v. the Republic of Moldova** (no. 64401/11)  
**Paşa v. the Republic of Moldova** (no. 50473/11)  
**Vujović v. Montenegro** (no. 75139/10)  
**Darsigova v. Russia** (no. 54382/09)  
**Ibrogimov v. Russia** (no. 32248/12)  
**Lipayev v. Russia** (no. 66921/16)  
**Mainov v. Russia** (no. 11556/17)  
**Navalnyy v. Russia** (no. 32963/16)  
**Tarkhanov v. Russia** (no. 40151/14)  
**Titova and Others v. Russia** (nos. 4919/16, 16430/16, and 39274/16)  
**Baran v. Turkey** (no. 4370/12)  
**Taşarsu v. Turkey** (no. 47628/11)  
**Yaman and Others v. Turkey** (no. 46851/07)

Thursday 17 May 2018

**Pilalis and Others v. Greece** (no. 5574/16)

The applicants, Dimitrios Pilalis, Varlam Hartislava and Christoforos Martidis, are Greek nationals who were born in 1941, 1977 and 1973 respectively. All three were detained in Domokos Prison (Greece). The case concerns their conditions of detention.

Mr Pilalis had heart problems and was registered as 80% disabled. He was detained in Domokos Prison from 2010 to 2016, when he was released. Mr Hartislava was detained in the same prison from 2013 to 2016, when he was transferred to another prison, while Mr Martidis was detained there from 2009 until his release in 2015. According to the three applicants, they had less than 3 sq. m of personal space in their cells owing to overcrowding. They also complain of cuts in the water supply and allege that the meals and medical treatment provided were inadequate.

In February 2015 the inmates of Domokos Prison refused to return to their cells or to eat, demanding that a doctor be assigned to the prison immediately. In a statement to the press they called for access to medical treatment. The first and second applicants addressed their complaints concerning their conditions of detention to the prosecutor supervising the prison, but received no reply.

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

### [Zabelos and Others v. Greece \(no. 1167/15\)](#)

The applicants in this case are 18 persons of various nationalities born between 1951 and 1990, who were or are still detained in Korydallos Prison Hospital (Greece). They all suffer from HIV infection, apart from one applicant who suffers from chronic obstructive pulmonary disease.

The applicants complain in particular about the conditions of their detention, namely of overcrowding at the Prison Hospital, which had resulted in a deterioration of their already fragile health. They allege that they were detained in hospital wards which measured 44 sq. m and which were occupied by twelve detainees on average for the period between 2013 and 2015. Furthermore, half the area of each ward was occupied by beds and other equipment. The applicants submit that there was a high risk of infection and poor conditions of hygiene in the hospital, resulting in the presence of pests.

In December 2014 the applicants lodged a complaint with the Prison Board under Article 6 of the Domestic Penal Code, to which they have not received any reply to date.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) the applicants complain about the conditions of their detention in the Prison hospital and that in respect of their complaints under Article 3 they had no effective domestic remedy.

### [Wolland v. Norway \(no. 39731/12\)](#)

The applicant, Steingrim Wolland, is a Norwegian national who was born in 1961 and lives in Oslo.

The case concerns the applicant's complaint about the legal procedure for seizing, holding and sifting documents which might be subject to client-lawyer privilege.

Mr Wolland was a practising lawyer until his licence was suspended after bankruptcy proceedings in April 2009. In March 2010 prosecutors issued charges against him of aiding and abetting fraud and forging documents, and the police searched his home and his office. Documents were put in a sealed bag and copies of his hard disk and laptop were made.

Under domestic legislation, there was a presumption that some of his documents and other material were covered by professional privilege, meaning a court had first to determine what could be legally examined by prosecutors. Prosecutors asked the court for such a decision in January 2011.

In February 2011 Mr Wolland's lawyer disputed the lawfulness of what he called the seizure of the material and asked for it to be returned, although under domestic practice no seizure had formally been ordered as the court decision on what was covered by lawyer-client privilege had not yet been delivered. The City Court rejected that challenge, citing Supreme Court case-law, a decision which was upheld on appeal.

Relying on Article 8 (right to respect for private and family life, the home and correspondence), Mr Wolland complains about the search of his premises, including the collection of material, and that the authorities kept the material without making a formal decision on seizure. He also maintains that he had no opportunity to have the grounds for the suspicion against him re-examined at that stage. In addition, he raises complaints under Article 6 (right to a fair trial), Article 10 (freedom of expression) and Article 13 (right to an effective remedy).

### [Ljatifi v. "the former Yugoslav Republic of Macedonia" \(no. 19017/16\)](#)

The applicant, Gjilizare Ljatifi, is a Serbian national who was born in 1991. Aged eight, she fled Kosovo with her family and settled in "the former Yugoslav Republic of Macedonia". She has been living in the country ever since, and at present resides in Skopje.



The case concerns her complaint that she has been ordered to leave “the former Yugoslav Republic of Macedonia” and is under an imminent threat of forcible expulsion at any time.

In 2005 she was granted asylum and a residence permit. The permit was extended every year until 2014 when the Ministry of the Interior terminated her right to asylum, holding that she was a risk to national security.

Her challenges to this decision before the administrative courts were all unsuccessful. The courts, referring to a classified note obtained from the National Intelligence Agency, accepted that she was a risk to national security.

Before the European Court, Ms Ljatić alleges that the proceedings in which she was required to leave “the former Yugoslav Republic of Macedonia” did not provide the minimum procedural safeguards. In particular, she complains that she was not shown or given the opportunity to comment on the evidence against her, namely the classified note. This complaint will be examined under Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens). She further relies on Article 13 (right to an effective remedy) to complain that the administrative courts did not provide an effective review of her case.

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.

**Bakiu and Others v. Albania** (nos. 43928/13, 43934/13, 44107/13, 44132/13, 44136/13, 44140/13, 44147/13, 44150/13, 44152/13, 44153/13, 44522/13, 44526/13, 44535/13, 44542/13, 44548/13, 44611/13, and 44632/13)

**Marozaitė v. Lithuania** (no. 52524/13)

**Cerci v. the Netherlands** (no. 25392/14)

**S.C. I.F.N. Comautosport Leasing S.A. v. Romania** (no. 44093/10)

**Balanina v. Russia** (no. 41441/16)

**Keloyev and Others v. Russia** (nos. 53321/11, 32490/12, 1392/13, and 11840/13)

**Kholodkov v. Russia** (no. 20655/15)

**Kiba and Others v. Russia** (nos. 38047/08, 6091/13, and 37215/13)

**Kireyeva v. Russia** (no. 7556/13)

**Krylov and Others v. Russia** (nos. 37448/09, 13426/10, and 20981/15)

**Lushkov v. Russia** (no. 54505/11)

**Moskaleva and Others v. Russia** (nos. 2664/04, 32989/04, 12177/05, 43291/05, 13684/06, 41375/07, and 58425/08)

**Perelygina v. Russia** (no. 37565/05)

**S.S. v. Russia** (no. 21535/16)

**Trutko v. Russia** (no. 5860/09)

**Yurchenkov v. Russia** (no. 38106/05)

**Beriša v. Serbia** (no. 22329/16)

**Đorđević v. Serbia** (no. 10044/17)

**Džamić v. Serbia** (no. 33317/17)

**Enol DOO v. Serbia** (no. 31552/16)

**Garić v. Serbia** (no. 33444/16)

**Ilić v. Serbia** (no. 34552/17)

**Kostić v. Serbia** (no. 32488/16)

**Pajčin and Others v. Serbia** (no. 10442/17)

**Stanković v. Serbia** (no. 29557/16)

**Stefanov v. Serbia** (no. 57820/16)

**Živanović v. Serbia** (no. 10420/17)  
**Aksu v. Turkey** (no. 50138/06)  
**Altın v. Turkey** (no. 19483/05)  
**Arslan v. Turkey** (no. 45169/10)  
**Canver and Demirel v. Turkey** (no. 49002/09)  
**Duits and Others v. Turkey** (nos. 42973/09, 48805/09, 50083/09, 50174/09, 52368/09, 52373/09, 53453/09, 53454/09, 53455/09, 53456/09, 53941/09, 54629/09, 54936/09, 56202/09, 60243/09, and 60248/09)  
**Encu and Others v. Turkey** (no. 49976/16 and 275 other applications)  
**Ersümer v. Turkey** (no. 7327/08)  
**Kaya and Others v. Turkey** (no. 54523/10)  
**Köseoğlu v. Turkey** (no. 24067/05)  
**Kutlu and Others v. Turkey** (no. 14963/08)  
**Özer v. Turkey** (no. 14062/10)  
**Şimşek v. Turkey** (no. 28248/06)  
**Tüm Emekliler Sendikası v. Turkey** (no. 31846/08)  
**Tunalı and Kartal v. Turkey** (no. 2728/10)  
**Üstüner v. Turkey** (no. 20006/08)  
**Varol v. Turkey** (no. 75002/10)  
**Yiğit v. Turkey** (no. 24870/06)  
**Yılmaz v. Turkey** (no. 49785/10)  
**Zeybek v. Turkey** (no. 53304/10)  
**Larychev v. Ukraine** (no. 10842/08)  
**Sadovyak v. Ukraine** (no. 17365/14)

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [@ECHRpress](http://www.echr.coe.int/RSS/en).

#### Press contacts

[echrpess@echr.coe.int](mailto:echrpess@echr.coe.int) | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

Somi Nikol (tel: + 33 3 90 21 64 25)

**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.