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 11 judgments on Tuesday 16 February 2016 and 64 judgments and / or decisions on Thursday 18 February 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 16 February 2016

Ärztekammer für Wien and Dorner v. Austria (application no. 8895/10)

The applicants in this case are the Vienna Chamber of Medical Doctors (*Ärztekammer für Wien*) and Walter Dorner, who was the Chamber's president at the time of the events. The case concerns their complaint about decisions by the domestic courts prohibiting them from making certain negative statements about a private company.

In January 2007 Mr Dorner published a letter on the Chamber's website, which was also sent to all members of the Chamber, in which he referred to reports that a private company, F., was planning to provide radiology services. He warned of the risk that doctors might become mere employees of "locust" companies such as F. and announced that the Chamber would make use of all legal and political means available to stop such a disastrous development. Following a complaint by the company F., the Vienna Commercial Court issued an injunction, in February 2007, prohibiting the applicants from repeating the statement that the company was ruthless towards third parties, in particular medical professionals, from referring to the company as a "locust" company or fund, and from stating that the provision of radiology services by the company was a disastrous development. The appeal court amended the injunction in that the applicants were no longer prohibited from referring to F. providing of medical services as a disastrous development. The lower courts' decisions were upheld by the Supreme Court.

In the main proceedings the Vienna Commercial Court, in July 2008, confirmed the prohibitions. Furthermore, the applicants were ordered to publish the operative part of the judgment on the Chamber's website, where it was to be displayed for 30 days, and in the Chamber's printed newsletter. The judgment was eventually upheld in July 2009. The courts found that while the statements in question did not constitute defamation pursuant to the Civil Code, they had been made in a commercial context and not in the Chamber's capacity as an official authority – the Chamber and the company F. being competitors – and had been in violation of the Unfair Competition Act. The term "locust" had a negative meaning, leading to the unethical general vilification of a competitor.

The applicants complain that the domestic courts' decisions violated their rights under Article 10 (freedom of expression) of the European Convention on Human Rights.

Govedarski v. Bulgaria (no. 34957/12)

The applicants, Milko Serafimov Govedarski, his wife Svetlana Slavcheva Taneva-Govedarska and their children, S.G. and M.G., are Bulgarian nationals who were born in 1970, 1972, 2003 and 2007 respectively. They live in Rakovski.

The case concerns a police operation carried out at Mr Govedarski's home and its effects on him and his family.

The Plovdiv Economic Crime Prevention Department opened a preliminary investigation in respect of Mr Govedarski on suspicion of lending money to individuals in exchange for payment. On 18 November 2001 the Plovdiv Deputy Chief of Police and the regional prosecutor approved plans for a police operation at Mr Govedarski's home. On the morning of 21 November 2011 several masked and heavily armed police officers entered Mr Govedarski's house and burst into the bedrooms while he and his family were asleep. According to Mr Govedarski, the police officers surrounded him and threatened him in an attempt to make him confess to usury; he stood in front of them in his underpants for more than an hour, before being handcuffed and taken outside. Mr Govedarski was placed in pre-trial detention later that day and charged with illegal pursuit of a financial activity. The search of Mr Govedarski's home was approved by a judge that afternoon. He was released on bail on 24 November 2011, and on 22 March 2012 the public prosecutor ruled that there was no case to answer, discontinuing the criminal proceedings.

Since the police operation, Mr Govedarski and his wife and children have complained of various forms of psychological trauma. Mr Govedarski also states that his reputation has been damaged and that his business has suffered losses because the events were reported in the regional press and his financial partners distanced themselves from him.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and 13 (right to an effective remedy), Mr Govedarski and his wife and children complain that they have suffered psychological trauma as a result of the police operation at their home, the search of their house, the seizure of various documents and the lack of domestic remedies in respect of the alleged violations of their rights.

Vijatović v. Croatia (no. 50200/13)

The applicant, Vera Vijatović, is a Croatian national who was born in 1927 and lives in Zagreb. The case concerns her complaint about the authorities' refusal of her request to purchase a flat that she had occupied.

In 1995 the Act Amending the Sale to Occupier Act allowed the sale of State-owned flats. The time-limit for lodging a request to purchase such a flat was set at 60 days from the date on which this Act came into force, that is 17 August 1995. This time-limit was subsequently abrogated by the Constitutional Court, which noted that new time-limits could be fixed not only by the legislature but also by the Croatian Government.

Ms Vijatović, by virtue of her husband, was the holder of a specially protected tenancy of a flat in Zagreb. Her husband had been granted the tenancy in 1961 by the Yugoslav People's Army. In June 2006 she lodged a request to purchase the flat with the Ministry of Defence. Her request was denied on the ground that it had been lodged outside the time-limit, namely 31 December 1995. Ms Vijatović then lodged a civil claim with the national courts, relying on several decisions by the Constitutional Court that there was no time-limit for requests such as hers. The Municipal Court dismissed her claim on the ground that she had lodged her request outside the accepted time-limit. This judgment was upheld on appeal in October 2010. Her subsequent constitutional complaint was dismissed in February 2013, on the ground that she had not justified why she had lodged her request outside the established time-limit.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair hearing), Ms Vijatović complains of a violation of her property rights, arguing in particular that in other similar cases the Constitutional Court had found a violation of the Constitution on the ground that there had been no time-limit for lodging such a request; the only departure from such a view had been in her case.

Caracet v. the Republic of Moldova (no. 16031/10)

The applicant, Ion Caracet, is a Moldovan national who was born in 1988 and is currently in detention in Cahul.

The case concerns allegations of ill-treatment inflicted on him during his arrest and detention, and the lack of an effective investigation into those allegations.

On 13 March 2009 Mr Caracet was arrested with five other people on suspicion of armed robbery. According to his version of events, the police officers repeatedly beat him during his arrest and at the police station in an attempt to extract a confession, and he was later subjected to further ill-treatment while in pre-trial detention, for example being hit with plastic bottles filled with water so that no visible traces would be left on his body. On 18 March 2009 a forensic medical expert observed bruising on the applicant's upper right eyelid and skin abrasions around the nose and left knee. A second medical report, issued on 9 April 2009, did not note any visible bodily injuries.

Mr Caracet lodged two criminal complaints in relation to his allegations of ill-treatment. The first, lodged on 16 March 2009, resulted in a decision to take no further action, which was upheld by a superior prosecutor. Mr Caracet appealed, but the investigating judge at the Buiucani Court of First Instance dismissed his appeal in a final decision. His second complaint, lodged on 2 April 2009, gave rise to a decision by the Prosecutor General's Office to take no further action, which was upheld by the investigating judge at the Buiucani Court of First Instance in a final decision.

In the meantime, on 16 March 2009, Mr Caracet had been placed in pre-trial detention for an initial period of ten days, which was extended for the duration of the investigation and the subsequent trial. The courts justified their decisions by referring to the seriousness of the charge, the complexity of the case and the risks of his absconding, obstructing the course of justice, reoffending and disturbing public order if released. Mr Caracet appealed against those decisions, but his appeals were dismissed by the Court of Appeal. Following the trial, Mr Caracet was found guilty by the Cahul Court of Appeal on 19 March 2013 and sentenced to ten years' imprisonment.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), Mr Caracet complains that he was ill-treated during his arrest and pre-trial detention, and that no effective investigation was carried out into those allegations. Further relying on Article 5 § 3 (right to liberty and security), Mr Caracet complains that his pre-trial detention lasted an excessively long time and was not justified by any relevant and sufficient reasons.

Paluch v. Poland (no. 57292/12)
Świderski v. Poland (no. 5532/10)

The cases concern the regime in Polish prisons for detainees who are classified as dangerous.

The applicant in the first case, Jakub Paluch, is a Polish national who was born in 1989 and is currently in detention in Lublin (Poland) following his conviction for assault and endangering lives through arson and extortion.

The applicant in the second case, Jakub Świderski, is a Polish national who was born in 1989 and is detained in in Opole Lubelskie (Poland). He was arrested and remanded in custody in June 2007 on suspicion of murder. He was ultimately convicted in May 2014 and sentenced to 13 years' imprisonment.

Both applicants have been classified as dangerous prisoners during their detention. Mr Paluch was placed under the regime in October 2011 for organising a hunger strike and planning an attack on a prison employee. This measure was reviewed and extended by a penitentiary commission on a number of occasions until it was lifted in July 2012 on the basis that Mr Paluch no longer posed a danger to the prison. Mr Świderski was placed under the regime from August 2007 to September 2011 in various remand centres on account of his aggressive and vulgar behaviour and the fact that

he had attempted to escape while being transported outside of the prison in 2007. His numerous appeals were rejected until such time as the measure was lifted in September 2011 for good behaviour.

Relying on Article 3 (prohibition of inhuman or degrading treatment), both applicants complain about the special high-security measures to which they were subjected during their classification as dangerous detainees, namely their solitary confinement, their isolation from their families, the outside world and other detainees, their shackling (handcuffs and fetters joined together with chains) whenever they were taken out of their cells, the routine daily strip searches and constant monitoring of their cells and sanitary facilities via closed-circuit television. Further relying on Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy), both applicants also complain about the application and extension of the dangerous detainee regime in their cases, alleging that their appeals against the penitentiary commission's decisions were ineffective.

Soares de Melo v. Portugal (no. 72850/14)

The applicant, Ms Liliana Sallete Soares de Melo, is a Cape Verdean national who was born in 1977 and lives in Algueirão-Mem Martins.

The case concerns an order for seven of her children to be taken into care with a view to their adoption, and its enforcement in respect of six of them.

In 2005 the family situation of Ms Soares de Melo, the mother of ten children born between 1993 and 2011, was reported to the Sintra Child and Youth Protection Commission (CPCJ), on the grounds that she was unemployed and that the children's father was polygamous and frequently absent from the family home.

On 4 January 2007 the CPCJ signed a protection agreement with Ms Soares de Melo and her husband, which was approved by a court. The agreement stipulated that Ms Soares de Melo was to retain custody of her minor children but was required to provide for them, to look after their education and health and to seek employment; the father was to continue providing financial support for the children's basic needs.

As there was no improvement in the family situation, the CPCJ instituted proceedings for the promotion and protection of the rights of children and young people at risk. On 26 September 2007 the case was referred to the public prosecutor's office, which requested that a child protection procedure be initiated, on the grounds that Ms Soares de Melo's physical living conditions were inadequate and she was neglecting her children. The family was placed under observation by the court's social services team. Subsequently, after social services had noted that the family's circumstances were still precarious, the team of social workers inserted additional clauses in the protection agreement, in particular requiring the father to resume a gainful occupation and the mother to provide proof that she was receiving medical assistance in preparation for sterilisation. However, as Ms Soares de Melo and her husband failed to honour their commitments, the court delivered a judgment on 25 May 2012 in which it held, among other things, that seven of the children should be taken into care with a view to their adoption and that Ms Soares de Melo and her husband should be deprived of parental responsibility and denied any contact with the children. Among the reasons for its decision, the court noted that the father was permanently absent and that Ms Soares de Melo, who was incapable of performing her role as mother, had persistently refused to undergo sterilisation. On 8 June 2012 six of the children were taken into care; the seventh child was not present at the family home when the other children were removed.

The decision was upheld on appeal, and an appeal on points of law by Ms Soares de Melo was rejected. Her subsequent appeal to the Constitutional Court is currently pending. On 19 November 2014 she applied to the Court for an interim measure under Rule 39 of the Rules of Court, seeking a right of contact with her children. The Court granted her request. Since 15 March 2015 Ms Soares de Melo has visited her children once a week.

Relying on Article 6 § 1 (right to a fair hearing), Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy), Ms Soares de Melo complains about the placement order issued with a view to the adoption of seven of her children and submits that she has been barred from having access to them since the judgment of the Lisbon North-East/Sintra Family Court. In that connection she complains that she has lodged various applications and appeals and that the courts based their decisions on the fact that she had not honoured her family-planning commitments.

Dalakov v. Russia (no. 35152/09)

The applicant, Magomed Dalakov, is a Russian national who was born in 1933 and lives in Karabulak (Ingushetia, Russia). The case concerns his allegation that his nephew was killed by the Russian security services during a special operation in Ingushetia.

The applicant alleges that a group of men opened fire on his nephew, Apti Dalakov, on 2 September 2007 when he was walking down the street in Karabulak. The men, some in plain clothes and others in camouflage uniforms, were officers of the Ingushetia Federal Security Service and were armed with assault rifles and pistols. Apti Dalakov apparently ran away and was given chase by the security officers. According to a number of local residents Apti Dalakov was then hit by a car, whose driver ran after him and fired at him several times. Several other officers ran towards the scene and also fired at Apti Dalakov who had fallen to the ground. The police, who had in the meantime been alerted, arrived and arrested the officers following a scuffle with them. Bomb disposal experts were called to the scene to deactivate a grenade which, according to the eyewitnesses, had been placed under Apti Dalakov's body by the officers once they had ascertained that their victim was dead.

According to the Government's submissions, the Ingushetia security officers had attempted to apprehend Apti Dalakov, a presumed member of a bandit group, on 2 September 2007, and had had to use lethal force against him as, despite a warning that they would open fire, he had not stopped running away and had taken a grenade from his pocket and pulled the pin.

Criminal proceedings were immediately brought against Apti Dalakov for assault of a law-enforcement official and unlawful possession of arms and explosives. The crime scene was examined, the ensuing report establishing that 40 shots were fired during the special operation and that a grenade was found under Apti Dalakov's body. A forensic expert examination was also carried out which reported that Apti Dalakov had sustained four bullet wounds in his back and the back of his head. The investigation was terminated on three occasions because of the death of the suspect, in November 2007, then in January and February 2008. In January 2008 the military investigations department also refused to initiate an investigation into the use of lethal force against Apti Dalakov due to lack of evidence that the officers had committed a crime. The applicant was not informed of any of those decisions.

No criminal investigation has apparently ever officially been carried out in connection with the death of Apti Dalakov, despite the applicant's attempts to initiate such proceedings. He notably stressed in his complaint to the prosecuting authorities that, according to numerous witnesses (who had never been interviewed), his nephew had not been armed and had not put up any resistance. In September 2008 the domestic courts examined and rejected his complaint as unsubstantiated, finding that the criminal case concerning Apti Dalakov's death had been terminated on the basis that the officers carrying out the special operation in question had acted lawfully. The applicant submits that neither he nor his lawyer have ever been informed of this decision.

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy), the applicant complains about the killing of his nephew by security officers and the failure of the domestic authorities to investigate.

Yevdokimov and Others v. Russia (nos. 27236/05, 44223/05, 53304/07, 40232/11, 60052/11, 76438/11, 14919/12, 19929/12, 42389/12, 57043/12 and 67481/12)

The case concerns the absence of detainee litigants from civil proceedings in Russia.

The applicants are 11 Russian nationals, who at the relevant time were all detained in Russian penal facilities. While in detention, three of the applicants lodged defamation claims against third parties; seven of the applicants brought claims seeking compensation for alleged inhuman conditions of detention; and, the remaining applicant lodged a civil claim for compensation, alleging that criminal proceedings had been instituted unlawfully. None of the applicants were able to attend the hearings at which their claims were examined. The domestic courts refused them this possibility at two levels of jurisdiction on the ground that there was no domestic legal provision making it mandatory to ensure detainees' presence at court.

Relying on Article 6 § 1 (right to a fair hearing), the applicants complain that their right to a fair hearing had been breached on account of the domestic courts' refusal of their requests to appear in court.

Revision

Borovská and Forrai v. Slovakia (no. 48554/10)

The applicants, Mária Borovská, Mária Buzová, and Štefan Forrai, Slovak nationals, were born in 1948, 1937, and 1927 respectively. They all lived or live in Košice (Slovakia). Ms Buzová and Mr Forrai died in October 2013 and October 2014 respectively.

The case now concerns a request for revision of judgment of the ECtHR of 25 November 2014 in which it ruled on the admissibility and merits of the application. As for the substance, the case concerns land in the area of Košice-Sever (Slovakia) which was expropriated in the 1980s by the then socialist State in order to build a sports complex.

The applicants were all the successors in title to the former owners of the land in Košice-Sever on which the sports complex was built. Claiming that they were the owners of the land, the applicants sought an arrangement of their relationship with the owners of the complex. Their claims were however dismissed at second instance in February 2010 on the grounds that they had no standing to sue under the general civil law. The applicants' complaints to the Constitutional Court, alleging that the judgment in their case was inconsistent with the outcomes in a number of other cases similar to theirs, were declared inadmissible in June 2010.

In its principal judgment of 25 November 2014 the Court found a violation of Article 6 § 1 (right to a fair hearing) on account of the inconsistency of the national courts' decision-making in relation to their property claims, in particular the courts' failure to respond to the applicants' argument that a number of generically similar claims concerning other plots of land on which the sports complex had been built had been granted. The Court awarded 5,200 euros (EUR) each to Ms Borovská and Mr Forrai in respect of non-pecuniary damage and EUR 1,200 to them jointly for costs and expenses. Ms Buzová's part of the application was struck out of the Court's list of cases.

The Government have now requested revision of the judgment of 25 November 2014, which has not yet been enforced because Štefan Forrai had died before the judgment was adopted.

The Government's request for revision will be examined by the Court in its judgment of 11 February 2016.

Vlieeland Boddy and Marcelo Lanni v. Spain (nos. 53465/11 and 9634/12)

The applicants, Clive Marshall Vlieeland Boddy and Claudio Marcelo Lanni, are nationals of the United Kingdom and Argentina respectively.

The case concerns the Spanish courts' rejection of compensation claims brought by them for damage sustained as a result of their pre-trial detention, Mr Vlieeland Boddy having subsequently been acquitted and Mr Marcelo Lanni provisionally discharged.

Mr Vlieeland Boddy was arrested by the French police on 16 February 2005 pursuant to a European arrest warrant, on suspicion of drug trafficking and money laundering. He was transferred to Spain, where he was placed in pre-trial detention before being released on bail. On 29 May 2006 he was acquitted on all charges. He applied to the Ministry of Justice, claiming compensation for damage sustained during his 139 days in pre-trial detention. His claim was rejected on the grounds that he had been acquitted for lack of sufficient evidence of his involvement in the alleged offences. His subsequent appeal to the *Audiencia Nacional*, appeal on points of law and application to the Supreme Court were likewise rejected.

Mr Marcelo Lanni was arrested by the police in Barcelona on 28 July 2006 on suspicion of two counts of aggravated theft and was placed in pre-trial detention the following day. He was provisionally released on 10 August 2006. On 16 April 2007 he was provisionally discharged, as the investigating judge found that there was insufficient evidence of his involvement in the alleged offences. Mr Marcelo Lanni filed a claim for compensation with the Ministry of Justice on account of his 14 days in detention. His claim was rejected. His subsequent application for judicial review was dismissed in a decision upheld by the *Audiencia Nacional*, which found that the discharge granted in favour of Mr Marcelo Lanni did not conclusively rule out his responsibility.

Applications by Mr Vlieeland Boddy and Mr Marcelo Lanni to the Constitutional Court were rejected as not raising any issue of special constitutional importance.

Relying on Article 6 § 2 (presumption of innocence), the applicants complain that their claims for compensation for time spent in pre-trial detention were dismissed, thus casting doubt on their innocence despite their acquittal. Further relying on Article 14 (prohibition of discrimination), taken together with Article 5 § 5 (right to liberty and security) and Article 6 § 2 (presumption of innocence), Mr Marcelo Lanni complains that he was discriminated against in relation to victims of excessively lengthy proceedings, contending that the latter receive compensation even if they have been found guilty in the main proceedings.

Thursday 18 February 2016

Blühdorn v. Germany (no. 62054/12)

The applicant, Karsten Blühdorn, is a German national who was born in 1943 and is currently detained in Riedstadt Psychiatric Hospital. The case concerns his complaint of his continued detention in a psychiatric hospital.

In January 2002 Mr Blühdorn, who has a history of previous convictions, was convicted of rape together with the infliction of bodily injury, and sentenced to a total of four years and six months' imprisonment, as the judge incorporated a prison term imposed with a previous conviction. At the same time the trial court ordered Mr Blühdorn's placement in a psychiatric hospital, pursuant to Article 63 of the Criminal Code, finding that he suffered from sexual sadism and that it was likely that he would reoffend. His detention in psychiatric hospitals was subsequently reviewed at regular intervals and was extended annually.

In March 2011 the clinic where he was detained at the time delivered an expert opinion finding that Mr Blühdorn's continued detention was necessary. It made a diagnosis of a dissocial personality disorder and alcohol abuse, and a presumptive diagnosis of sexual sadism. Although it found a high risk that he would re-offend, it confirmed a prior assessment that he represented a classic instance of an erroneous hospital treatment order.

In a decision of July 2011 the Darmstadt Regional Court found that Mr Blühdorn could not be released. It explained that detention in a psychiatric hospital could be terminated on the grounds of an erroneous treatment order only if it was established with certainty that the detainee was not suffering from a mental illness warranting his detention under domestic law from the very beginning. In this context the Regional Court observed that neither the statement by a psychological expert from the clinic where Mr Blühdorn was detained – who had been heard by the court – nor other current and prior expert opinions had excluded the possibility that Mr Blühdorn was suffering from sexual sadism, although this diagnosis had been found to be rather unlikely. The court found that he was likely to reoffend and thus still posed a danger to the public. The decision was upheld on appeal, and in August 2012 the Federal Constitutional Court refused to admit his constitutional complaint for consideration.

Mr Blühdorn complains that his continued detention in a psychiatric hospital is in violation of Article 5 § 1 (right to liberty and security).

Baka v. Greece (no. 24891/10)

The applicant, Dimitra Baka, is a Greek national who was born in 1940 and lives in Athens.

The case concerns the adjournment of the examination of a criminal complaint lodged by her pending consideration of another complaint initially lodged against her by the opposing party, and the subsequent rejection of her complaint on the ground that prosecution of the alleged offences had become time-barred five years after they had been committed.

On 5 January 2003 A.S. lodged a criminal complaint against Ms Baka, who was his lawyer, accusing her of misappropriation, fraud and breach of trust. He alleged that she had received 17 million drachmas (49,889 euros) from an insurance company on his behalf and only declared the sum of 7 million drachmas to him, thus misappropriating the remaining 10 million drachmas.

Ms Baka was prosecuted and found guilty, being sentenced to three years and six months' imprisonment. Her conviction was upheld on appeal, but her sentence was reduced to three years and four months' imprisonment. A subsequent appeal on points of law was dismissed on 12 January 2012.

In the meantime, on 20 February 2004, Ms Baka in turn had lodged a criminal complaint against three individuals, including A.S., accusing them of malicious prosecution, perjury and repeated defamation; she also applied to join the proceedings as a civil party and informed the authorities that a complaint by A.S. against her was pending. On 23 January 2006, under Article 59 of the Code of Criminal Procedure, the public prosecutor at the Ilia Criminal Court decided to adjourn consideration of Ms Baka's complaint until the criminal proceedings against her had been completed, noting that their outcome was decisive for the action to be taken on her complaint.

On 10 May 2009 the public prosecutor rejected Ms Baka's complaint, finding that the alleged offences, dating back to 2002 and 2003, were covered by the five-year limitation period for prosecution, and that the adjournment provided for in Article 59 could not apply retroactively to the offences in question since that provision had not been in force at the time of the alleged offences and entailed harsher consequences for the accused. That decision was upheld on appeal.

Relying on Article 6 § 1 (right to a fair hearing), Ms Baka complains that her complaint and civil-party application were rejected because prosecution of the alleged offences had become time-barred.

A.K. v. Liechtenstein (no. 2) (no. 10722/13)

The applicant, A.K., is a German national who was born in 1970 and lives in St. Gallenkappel (Switzerland). The case concerns A.K.'s complaint about a legal dispute in which he was involved with regard to the property rights in two stock companies in Liechtenstein.

In June 2005 F.H. brought an action against the applicant in the Regional Court, requesting that he hand over bearer shares in two Liechtenstein companies and that it be established that he did not hold any shares in those companies. F.H.'s action was upheld by the Regional Court in December 2009, as it considered that his submissions as to ownership of the shares were more credible than those of the applicant. Those findings were subsequently endorsed on appeal and the applicant's appeal on points of law was dismissed by the Supreme Court in January 2011.

Shortly after, the applicant lodged a constitutional complaint, alleging that the length of the proceedings in his case had been excessive and that he had not had at his disposal an effective remedy with which to speed up the proceedings. During the constitutional proceedings, he also lodged a complaint alleging bias against the five judges of the Constitutional Court called upon to decide on his complaint. He mostly referred to the relationship of the judges to the applicant or to the opposing party in the proceedings at issue. In a judgment of May 2012 the Constitutional Court held that there had been a delay in giving judgment in the proceedings before the Regional Court and ordered that the applicant be reimbursed the court costs and lawyers' fees for his constitutional complaint. His complaints of bias were dismissed as insufficiently substantiated. This judgment was served on the applicant in June 2012.

The applicant makes two complaints under Article 6 § 1 (right to a fair hearing within a reasonable time): firstly, alleging that the five judges of the Constitutional Court called upon to decide on his case had not been impartial, notably as a result of the procedure adopted for examining his complaints of bias (in particular each of the challenged judges had taken part in the decisions on the complaints alleging bias against the remaining four judges); and, secondly, complaining about the excessive length of the proceedings before the Liechtenstein courts. Lastly, relying on Article 13 (right to an effective remedy), the applicant claims that he did not have an effective remedy in the domestic legal system to complain about the excessive length of the proceedings in his case.

Rywin v. Poland (nos. 6091/06, 4047/07 and 4070/07)

The applicant, Lew Rywin, is a Polish national who was born in 1945 and lives in Konstancin Jeziorna.

The case concerns a corruption scandal involving Mr Rywin, a well-known film producer, which arose in the context of parliamentary proceedings for the amendment of the Broadcasting Act.

In December 2002 a leading national daily newspaper published an article on corruption in relation to the legislative procedure for the amendment of the Broadcasting Act. According to the article, Mr Rywin had offered a bribe to representatives of the company that published the newspaper. Mr Rywin had offered to assist in amending the Broadcasting Act so that the company could buy a private television channel in exchange for 17.5 United States dollars (USD), his appointment as chairman of the channel and an undertaking from the newspaper to refrain from publishing any criticism of the government. The applicant was said to have been acting on the instructions of a purported "group in power", which allegedly included certain high-ranking State officials, among them the Prime Minister.

In December 2002 the public prosecutor's office instituted proceedings against Mr Rywin for trading in influence. In January 2003 a parliamentary commission of inquiry was set up to investigate the irregularities in the above-mentioned legislative procedure. On 14 January 2003 the public prosecutor questioned Mr Rywin and informed him of the charge.

The work of the commission of inquiry, carried out alongside the criminal proceedings against the applicant, gave rise to extensive media comment. In June 2003 the criminal investigation was completed and Mr Rywin was indicted for attempted trading in influence. On 26 April 2004 the court found Mr Rywin guilty of attempted fraud and sentenced him to two years and six months' imprisonment and a fine of 100,000 zlotys (PLN). In August 2004 the applicant and the public prosecutor's office appealed. Mr Rywin argued that the influence of the parliamentary commission's work on the judges, aggravated by the media campaign, meant that he had not had a fair trial. On 24

September 2004 the Sejm (lower house of Parliament) approved the final report of the commission of inquiry in which it identified five senior government officials alleged to have been guilty of corruption in connection with the legislative procedure for the amendment of the Broadcasting Act. The applicant was mentioned in the report as the "agent" of the above-mentioned officials. On 10 December 2004 the Court of Appeal found Mr Rywin guilty of complicity in trading in influence and sentenced him to two years' imprisonment and a fine of PLN 100,000. Both Mr Rywin and the public prosecutor's office lodged cassation appeals. The Supreme Court dismissed both appeals. In March 2005 Mr Rywin's lawyers applied to have the execution of his sentence deferred, submitting that its immediate enforcement would create a risk to his health in view of his various chronic medical conditions. The court refused to suspend the execution of the sentence. Subsequently, on an appeal by Mr Rywin, the Court of Appeal released him on 31 May 2005 and ordered an expert medical report to determine whether his state of health was compatible with imprisonment. In October 2005 the court recalled him to prison. In October 2006, on a further application by Mr Rywin, the court ordered his release on parole, with a two-year probationary period. An appeal by the public prosecutor's office against that decision was rejected.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Rywin complains that he was imprisoned despite his state of health and that he did not receive appropriate treatment in the prison environment. Relying on Article 6 §§ 1 (right to a fair trial) and 2 (presumption of innocence), he complains that he did not have a fair trial and that his right to be presumed innocent was breached.

Doherty v. the United Kingdom (no. 76874/11)

The case concerns the review of detention following the recall to prison of a mandatory life sentence prisoner who had been released on licence.

The applicant, Christopher Doherty, is an Irish national who was born in 1960 and lives in Belfast Northern Ireland. In April 1996 he was released on licence from a mandatory life sentence for murder. Mr Doherty's licence was, however, revoked in March 1997 by order of the Secretary of State following his arrest for alleged sexual offences. The Secretary of State decided that his life sentence should not be reinstated and that his case should be considered by the Life Sentence Review Board. His case was thus reviewed on a number of occasions between 1998 and 2000, but the Board refused to direct his release as it believed that he had committed the alleged offences and that there was risk of his committing further similar offences if released. Permission to apply for judicial review was subsequently granted but the application was dismissed in June 2001.

In November 2001 Mr Doherty's case was referred to a panel of the Life Sentence Review Commissioners, which had replaced the Review Board in anticipation of the coming into force of the Human Rights Act 1998. Unlike the Board, the LSRC was independent of the Executive and could give legally binding decisions in relation to the release of prisoners. The LSRC carried out two reviews of Mr Doherty's recall. The first review concluded in August 2005 that it was not safe to release him on licence at that point. The applicant appealed against this decision but it was eventually approved by the House of Lords in June 2008. After the judgment of the House of Lords, a new panel was appointed which had to consider the sole issue of current risk and, following a hearing in October 2008, the panel directed that Mr Doherty be released.

Relying in particular on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), Mr Doherty alleges that from the time of his recall (in March 1997) until his release (in October 2008) the reviews of the lawfulness of his continuing re-detention were not conducted speedily.

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.

Terpo v. Albania (no. 53988/12)
Hadzhistamov and Others v. Bulgaria (no. 8083/11)
Handzhiyski v. Bulgaria (no. 34669/10)
Lukic v. Croatia (no. 78705/12)
Opacic and Godic v. Croatia (no. 38882/13)
Hronek v. Czech Republic (no. 49635/11)
Gansen v. Estonia (no. 63717/12)
Akademikosi-7 v. Georgia (no. 8075/05)
Giorgadze v. Georgia (no. 25177/05)
Papageorgiou v. Greece (no. 51923/12)
S. Messis A Katsaros O.E. v. Greece (nos. 61987/14 and 61998/14)
Y.D. v. Greece (no. 66617/10)
Yakoom and Others v. Greece (nos. 36944/10, 13245/11, 72632/12, 33278/13 and 56081/13)
Caringi and Others v. Italy (nos. 38983/08, 32342/09, 36573/09, 53275/09, 2542/10, 6178/10 and 10450/10)
G.T. and M.T. v. Italy (no. 39570/13)
Guerriero v. Italy (no. 13986/07)
Guerriero and Bissi v. Italy (no. 6086/06)
Lanzotti and Others v. Italy (nos. 8622/09, 8629/09, 8631/09, 8420/11, 3526/12, 13495/12, 17645/12, 38270/12, 38272/12 and 38273/12)
Lari and Others v. Italy (nos. 22960/09, 24053/09, 6504/11, 6511/11, 6515/11, 6516/11, 6521/11, 6522/11, 6524/11, 6525/11 and 6526/11)
Moscarelli and Noto v. Italy (nos. 35372/11 and 35373/11)
Napolitano and Others v. Italy (nos. 42005/09, 51214/09, 51235/09, 51463/09, 51484/09, 51485/09, 2058/10, 2067/10, 2077/10, 11631/10, 11632/10, 11633/10, 11634/10, 11635/10, 17539/10, 17540/10, 17542/10, 824/11 and 833/11)
Papi and Parisi v. Italy (nos. 34710/07 and 37921/08)
Petrone and Others v. Italy (nos. 39666/09, 39685/09, 39699/09, 39713/09, 39731/09, 39741/09, 39749/09, 12039/10 and 18934/11)
Rasman and Veliscek v. Italy (no. 55744/09)
Renata Danila Gatto v. Italy (no. 60201/09)
Sibillo and Others v. Italy (nos. 10485/10, 42887/11, 42889/11, 42890/11, 42892/11 and 44078/11)
Krogertas v. Latvia (no. 21476/14)
Seminaristovs v. Latvia (no. 5118/10)
Nguyen v. Norway (no. 30984/13)
Talipski v. Poland (no. 72817/14)
Altvater v. Romania (no. 18335/10)
Avram v. Romania (no. 60939/13)
Costea and Others v. Romania (nos. 664/09, 17027/11, 15420/12, 25403/12, 32789/12, 33685/12, 41602/12, 74389/12 and 60726/14)
Gheorghe v. Romania (no. 33804/09)
Guli v. Romania (no. 64454/14)
Hogoiu and Others v. Romania (nos. 50042/07, 21496/11, 64967/13, 73489/13, 4370/14 and 11086/14)
Iuanas v. Romania (no. 27482/14)
Macovei and Others v. Romania (no. 50109/13 and 15 other applications)

Pandel and Others v. Romania (nos. 45517/13, 80819/13, 15303/14, 39603/14, 47606/14, 48913/14, 52127/14, 52364/14, 52643/14, 54351/14, 54931/14, 54938/14, 54940/14 and 68978/14)
Prepelita v. Romania (no. 48213/11)
Roman and Others v. Romania (nos. 40208/14, 43954/14, 47786/14, 49386/14, 54464/14 and 56808/14)
Silaghi v. Romania (no. 26824/14)
Tudor v. Romania (no. 59622/13)
Tudor and Others v. Romania (nos. 55129/09, 77665/14, 10744/15, 11978/15 and 18207/15)
Vlad v. Romania (no. 60946/13)
Fateyenkov and Others v. Russia (nos. 44099/04, 3444/05, 6694/05, 7964/05, 31778/05, 37766/06, 2172/07, 36801/07, 21452/08 and 8825/08)
Khanoyan and Khamkhoyev v. Russia (nos. 37179/12 and 1399/14)
Latypova v. Russia (no. 8420/10)
Pavlov v. Russia (no. 31430/05)
Reshetin v. Russia (no. 17329/06)
Lorger v. Slovenia (no. 54213/12)
Levkovski and Trpkovska v. "The former Yugoslav Republic of Macedonia" (no. 48639/14)
Milenkovski v. "The former Yugoslav Republic of Macedonia" (no. 31786/15)
Kiziloz v. Turkey (no. 62101/12)
Korkmaz and Others v. Turkey (nos. 44530/11, 54483/11, 54487/11 and 55080/11)
Sisli v. Turkey (no. 29071/09)
C.W. v. the United Kingdom (no. 31758/11)
Hall v. the United Kingdom (no. 21457/11)
Kennaugh v. the United Kingdom (no. 40600/11)

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