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 31 judgments on Tuesday 17 January 2017 and 34 judgments and / or decisions on Thursday 19 January 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 17 January 2017

J. and Others v. Austria (application no. 58216/12)

The case concerns the Austrian authorities' investigation into an allegation of human trafficking.

The applicants, Mrs J., Mrs G., and Mrs C., are three Filipino nationals who were born in 1984, 1982, and 1972 respectively and live in Vienna (Mrs J. and Mrs G.) and Switzerland (Mrs C.). Between 2006 and 2009 all three applicants went to work as maids or au pairs in Dubai for the same family or relatives of the same family. They allege that their employers took away their passports, ill-treated and exploited them. Notably, they were forced to work extremely long hours without being paid their agreed wages, were physically and emotionally abused and threatened.

In July 2010 the applicants' employers took them on a short trip to Vienna. Like in Dubai, their passports remained with their employers and they had to work from the early hours of the morning to midnight or even later, taking care of all the employers' children and carrying out numerous domestic duties. A few days after their arrival, two of the applicants were subjected to extreme verbal abuse when one of their employers' children went missing at the zoo. Deciding that the violence towards them was likely to escalate at any time and that they could not continue working in such conditions any longer, they escaped with the help of an employee at the hotel where they were staying who spoke Tagalog, the first applicant's mother tongue. The applicants subsequently found support within the local Filipino community in Vienna.

About nine months later, the applicants contacted LEFÖ, a local, government-financed NGO actively involved in the support of victims of trafficking in human beings in Austria. Assisted by the NGO, in July 2011 they filed a criminal complaint against their employers. Accompanied by the NGO, they were interviewed by police officers specially trained in dealing with victims of human trafficking, and described in detail what had happened to them and how they had been treated by their employers. On the basis of the police report, the public prosecutor's office initiated an investigation under Article 104a of the Criminal Code which related to human trafficking. However, the investigation was discontinued in November 2011 as the prosecutor's office found that the Austrian authorities did not have jurisdiction over the alleged offences, which had been committed abroad by non-nationals. The prosecuting authorities later also specified that the applicants' complaints about their stay in Vienna – including having to look after children, wash laundry and cook food for no more than three days – did not in themselves amount to exploitation under Article 104a of the Criminal Code.

In March 2012 the decision to discontinue the investigation was confirmed by the Vienna Regional Criminal Court, which added that there was no reason to prosecute if a conviction was no more likely than an acquittal. In its view, there was also no obligation under international law to pursue an investigation concerning events allegedly committed abroad.

The applicants were subsequently granted a special residence and work permit for victims of human trafficking in Austria, and a personal data disclosure ban was imposed on the Central Register so that their whereabouts would not be traceable by the general public.

Relying on Article 4 (prohibition of forced labour) and Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, the applicants allege that they were subjected to forced labour and human trafficking, and that the Austrian authorities failed to carry out an effective and exhaustive investigation into their allegations.

Gengoux v. Belgium (no. 76512/11)

The applicant, Stanley Gengoux, is a Belgian national who was born in 1992 and lives in Vielsalm. He is the only son of Yves Gengoux, who was born in 1961 and died on 16 May 2011. The case concerns the applicant's claim that his father's continuing detention while he was seriously ill, and the failure to provide him with proper medical care, amounted to treatment in breach of the Convention. The applicant also alleges that the prison authorities failed to take the necessary measures to protect his father's life.

On 1 October 2010 Yves Gengoux was admitted to the Citadelle de Liège Regional Hospital with respiratory problems. He was diagnosed with cancer and agreed to undergo chemotherapy. On 10 December 2010 he was held under suspicion of shooting and killing a man in a bar while under the influence of alcohol. He was placed under investigation for illegal possession of a weapon and was remanded in custody in Lantin Prison. The prison's chief medical officer was informed of the applicant's father's medical condition and arranged for his planned chemotherapy session to take place one week after the original date. The applicant's father apparently did not inform the prison management that the fourth cycle of chemotherapy was due to begin on 30 December 2010. On being contacted that day the prison management stated that, owing to a strike by prison staff, it would not be possible to take the applicant's father to hospital given the shortage of prison guards to escort him. The treatment was therefore postponed. In a report written on 2 March 2011, Dr R., who had been chosen by the applicant's father to advise him, expressed the view that, notwithstanding the care administered in prison and the dignified and helpful attitude of the prison staff, Mr Gengoux's imprisonment did not conform to the medical standards necessary to treat his condition satisfactorily. Dr R. concluded that imprisonment was worsening the applicant's father's prospects, if not of recovery, then at least in terms of his life expectancy and the conditions in which the disease would progress.

In a further report dated 9 May 2011 Dr R. noted that the applicant's father's condition had deteriorated "drastically" since February of that year. The doctor considered it medically unacceptable to continue to detain the patient in prison. The applicant's father was immediately transferred to hospital and was placed in a secure private room. He died in hospital on 16 May 2011.

The order for the applicant's father's pre-trial detention was upheld on several occasions by the Liège Court of First Instance. On 11 April 2011 the applicant's father argued before the court that his state of health was incompatible with imprisonment. He applied for release. On the same day the Committals Division rejected the application and ordered his continuing detention. On 12 April 2011 the applicant's father appealed against that decision to the Court of Appeal, which dismissed his claims and ordered that he continue to be held in pre-trial detention. The applicant's father lodged an appeal on points of law with the Court of Cassation, without success.

Relying on Article 2 (right to life), the applicant alleges that the authorities did not provide his father with the medical treatment which his condition required, thereby exposing him to a real risk to his life. He also alleges that his father's continuing detention constituted treatment contrary to Article 3 (prohibition of torture and inhuman or degrading treatment) of the Convention.

Habran and Dalem v. Belgium (nos. 43000/11 and 49380/11)

The applicants, Marcel Habran and Thierry Dalem, are Belgian nationals who were born in 1933 and 1958 respectively. Mr Habran lives in Brussels and Mr Dalem is detained in Verviers Prison (Belgium).

The case concerns the applicants' criminal conviction for banditry, based on statements from individuals with a criminal background acting as informers and protected witnesses.

In January 1998 an attempted robbery was carried out on an armoured van in the municipality of Waremme. Two of the three occupants of the van were killed. The surviving occupant stated that five masked men had been involved in the attack.

In June 2002 R.C., who had been charged with other banditry offences, cooperated with the judicial authorities and named Mr Habran and Mr Dalem, as well as two other individuals (L.M. and J.S.), as the instigators of the attack on the van. R.C. was placed under urgent temporary protection and was granted conditional release. He also received a reward of 50,000 euros (EUR).

In November 2004 D.S., who also had links to organised crime, cooperated with the authorities and passed on to the investigators information he had received from L.M., who had been killed in the meantime, concerning the names of those involved in the attack on the van. Among others, he named Mr Habran and Mr Dalem. D.S. was placed under urgent temporary protection. He later died.

In September 2008 the first trial opened in the Liège Assize Court, resulting in the conviction of nine individuals, including Mr Habran and Mr Dalem. However, that judgment was quashed by the Court of Cassation in September 2009. In April 2010 a second trial commenced in the Brussels-Capital Assize Court. During the trial Mr Habran and Mr Dalem challenged the lawfulness of the proceedings under Article 6 § 1 of the Convention, on the ground that they were based on the statements of R.C. and D.S.

In July 2010 the Assize Court dismissed as unfounded the application made by Mr Habran and Mr Dalem to have the proceedings against them declared inadmissible. In September 2010 the applicants were found guilty of the attack on the van and were sentenced to 15 and 25 years' imprisonment respectively. In February 2016 Mr Habran was released subject to electronic monitoring.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Mr Habran and Mr Dalem complain that their conviction on the basis of witness statements made by "criminals turned informers" prejudiced the fairness of the proceedings, and that the length of the proceedings was not taken into account by the Brussels-Capital Assize Court in passing sentence.

Gakharia v. Georgia (no. 30459/13)

The applicant, Revaz Gakharia, is a Georgian national who was born in 1966 and lives in Tbilisi. The case concerns decisions by the national courts restricting his parental rights, which resulted in him losing contact with his daughter.

Mr Gakharia's daughter was born in 2000. She was mainly raised by her maternal grandmother in Georgia, both parents having left to work abroad. The relationship between the parents ended and Mr Gakharia's former partner brought two sets of proceedings before the courts: the first in March 2008 for her daughter to be officially registered as resident at her address; and the second in December 2008 requesting that her daughter be issued with an international passport and allowed to leave Georgia without her father's consent. There were three attempts during both sets of proceedings to serve summonses on Mr Gakharia at the address provided by the claimant party, each time without success. The courier noted that delivery had been impossible because the house was closed up and no one was living there. Information regarding the proceedings was therefore published in a daily newspaper, in accordance with the relevant domestic law in force at the time. The courts granted the applications in decisions taken in the absence of Mr Gakharia.

In June 2012 Mr Gakharia, submitting that he had been in Russia and that he had only just learned about the decisions restricting his parental rights, sought to have both default decisions set aside. He complained in particular that the default proceedings had been unfair as he had not been properly summoned. He also claimed that his former partner had been fully aware of his whereabouts. However, both the first-instance court and the appeal court found that the procedure set out in domestic legislation for serving summonses had been observed. In particular, the courts had sent the summonses to the only available registered address and then, as serving the summonses had been unsuccessful, had made a public notification in a newspaper.

Relying on Article 6 § 1 (right to a fair hearing/access to court) and Article 8 (right to respect for private and family life), Mr Gakharia complains that he has lost all contact with his daughter because of the two court decisions delivered in his absence.

Tsartsidze and Others v. Georgia (no. 18766/04)

The applicants are 13 Georgian nationals who are all Jehovah's Witnesses. The case concerns alleged harassment of Jehovah's witnesses in Georgia.

The applicants submit that in 2000 and 2001 they had been the victims of various instances of intimidation and aggression towards Jehovah's Witnesses either by Orthodox religious extremists or by the authorities, including the police. In five separate incidents some had been prevented from attending a religious meeting when stopped at a police checkpoint and others had had their religious meetings disrupted or had been stopped in the street by the police in possession of religious tracts; of those applicants some had been taken to police stations and had either been beaten or forced to sign a written undertaking not to hold any more gatherings in the future. All allege that religious equipment and literature had been confiscated or stolen from them, and in one case had subsequently been publicly burned.

The events described by six of the applicants in two of the incidents have been examined in a case already brought to the European Court of Human rights (*Begheluri and Others v. Georgia*, application no. 28490/02).

All the applicants lodged administrative complaints against the Ministry of the Interior, police officers allegedly involved either directly or indirectly (on account of their failure to intervene in the various incidents) and the local authorities, claiming compensation. Their complaints were all later dismissed, ultimately at the level of the Supreme Court, because the police's or the authorities' involvement in the incidents had not been proven.

The applicants essentially complain about the religiously motivated violence to which they were subjected, alleging that it breached their right to freely practise their religion via meetings and the distribution of religious literature. They also complain about the courts' subsequent failure to provide any redress, alleging in particular that the civil and administrative legal remedies in the face of allegedly State-tolerated religious violence in Georgia was inefficient and inadequate. They rely on Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience, and religion), Article 11 (freedom of association), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination).

Béres and Others v. Hungary (nos. 59588/12, 59632/12, and 59865/12)

The applicants are 11 Hungarian nationals who were born between 1956 and 1988 and live in Budapest, Göd, and Dunakeszi (all in Hungary). The case concerns criminal proceedings brought against the applicants following their participation in a protest near the Parliament building in Budapest.

Political activists, the applicants all participated in a demonstration on 23 December 2011 which involved them blocking the entrance to a car park next to the Parliament building by chaining

themselves to each other and the gates. As a result, criminal proceedings were brought against them on charges of violation of personal liberty. However, in March 2012 the case against them was terminated at the pre-trial stage because they were amnestied under legislation enacted by Parliament. Shortly afterwards, six of the applicants lodged a constitutional complaint. They complained in particular that the wording of the Amnesty Act concerning the incident of December 2011 had used the expression "committed", implying that they were guilty of having committed a criminal offence. The Constitutional Court declared their complaint inadmissible. It found that the wording of the Amnesty Act could not be interpreted as finding the applicants guilty of committing the crime with which they had been charged.

Relying on Article 6 § 2 (presumption of innocence) and Article 8 (right to respect for private and family life), the applicants complain that the wording of the Amnesty Act cast doubt on their innocence and damaged their reputation.

Király and Dömötör v. Hungary (no. 10851/13)

The applicants, Alfréd Király and Norbert Dömötör, are Hungarian nationals who were born in 1971 and 1979 respectively and live in Devecser and Ajka (both in Hungary). Both are of Roma origin. They allege that the Hungarian authorities failed to protect them from racist abuse during an anti-Roma demonstration.

The demonstration was held in the town of Devecser in August 2012. It was attended by 400-500 people, including members of a right-wing political party and nine far-right groups known for their militant behaviour and anti-Roma stance. Devecser was classified as a special risk zone and there was an increased police presence in the area. Speeches delivered during the demonstration made racist threats against Roma people, called for the reintroduction of the death penalty, and urged Hungarian people to revolt against the Roma community. After the speeches, the demonstrators marched down Vásárhelyi Street, a neighbourhood home to many Roma people, chanting racist slogans and calling on the police not to protect the Roma people. Certain demonstrators dismantled the police cordon and threw pieces of concrete, stones, and plastic bottles into gardens.

During the march, both Mr Király and Mr Dömötör were in the gardens of houses in Vásárhelyi Street. Mr Király alleges that he reported to a police officer that an acquaintance of his had been injured by a stone thrown into his garden, but that nothing was done about it. According to Mr Dömötör, demonstrators leading the march had had a list and pointed out to the crowd houses inhabited by Roma people. They allege that the police remained passive during the demonstration; that they did not disperse the demonstration or take any steps to identify which demonstrators were engaging in violence against Roma.

Mr Király and Mr Dömötör first complained to the Veszprém county police department about the failure of the police to take action against the demonstrators. Their complaint was dismissed and this decision was upheld on appeal by the National Police Service. Mr Király and Mr Dömötör subsequently engaged in a number of unsuccessful appeals and judicial review proceedings in the administrative courts. Together with the Hungarian Helsinki Committee, they lodged a criminal complaint concerning the speeches delivered at the demonstration and the attacks on the Roma community. The police investigation into the speeches was discontinued, as, although it had been injurious to the Roma community, it could not be classified as a crime. The police could only identify one person who had taken part in the violence. He was convicted of violence against a member of a group and received a suspended custodial sentence. Mr Király and Mr Dömötör, together with a third person, also lodged a criminal complaint against unknown perpetrators for breach of discipline in the line of duty. These proceedings were discontinued.

Relying on Article 8 (right to respect for private and family life), Mr Király and Mr Dömötör complain that the failure of the domestic authorities to adequately protect them from the demonstrators and to properly investigate the incident breached their right to their private lives.

Jankovskis v. Lithuania (no. 21575/08)

The applicant, Henrikas Jankovskis, is a Lithuanian national who was born in 1961. The case concerns his complaint that he was refused Internet access in prison.

In May 2006 Mr Jankovskis, serving a sentence in the Pravieniškės Correctional Home, wrote to the Ministry of Education and Science requesting information about the possibility of enrolling at university in order to acquire a degree in law. The Ministry wrote back to him, informing him that information about study programmes could be found on its website AIKOS. The prison authorities and subsequently the administrative courts all subsequently refused to grant Mr Jankovskis Internet access to this website, essentially referring to the legal ban on prisoners having Internet access (or the ban on prisoners' telephone and radio communications and implicitly therefore also Internet) and security considerations.

Relying on Article 10 (freedom of expression), Mr Jankovskis complains that not having Internet access in prison prevented him from receiving information about a study programme.

Zybertowicz v. Poland (no. 59138/10)
Zybertowicz v. Poland (no. 2) (no. 65937/11)

The applicant, Andrzej Zybertowicz, is a Polish national who was born in 1954 and lives in Toruń (Poland). He is a publicist and professor of sociology. Both cases concern two separate sets of civil proceedings brought against him following interviews he had given or comments he had made to the media.

A.M., a former dissident, leading Polish intellectual, and the editor-in-chief of *Gazeta Wyborcza*, one of Poland's biggest daily newspapers, brought two civil actions – the first in April 2007 and the second in March 2008 – against Mr Zybertowicz requesting legal protection of his personal rights. A.M. requested in particular an apology for statements Mr Zybertowicz had made to the national daily, *Rzeczpospolita*, about him in the context of the public debate on lustration of journalists. The so-called "lustration proceedings" in Poland aimed at exposing persons who had worked for or collaborated with the State's security services during the communist period.

In the first set of proceedings Mr Zybertowicz argued before the domestic courts that his statement, referring to A.M.'s stay in prison during the communist era, had simply paraphrased A.M.'s views already given in numerous public declarations. In the second set of proceedings he argued that his statement, which referred to A.M. defending persons who had collaborated with the communist-era security services, had described A.M.'s position towards lustration in Poland. In both sets of proceedings the domestic courts examined the veracity of the statements and found that they were untrue, thus concluding that Mr Zybertowicz had breached A.M.'s personal rights. Ultimately, the Supreme Court either dismissed or refused to entertain Mr Zybertowicz's cassation appeals in February 2010 and March 2011 respectively. In total he was ordered to pay approximately 4,760 euros to a charity and to arrange for apologies to be published in the *Rzeczpospolita*.

Relying on Article 10 (freedom of expression), he alleges that the domestic courts' findings had infringed his right to freedom of expression.

Tavares de Almeida Fernandes and Almeida Fernandes v. Portugal (no. 31566/13)

The applicants, José Manuel Tavares de Almeida Fernandes and Maria Gabriela Neves Rebelo Cabrita Simão de Almeida Fernandes, were both born in 1957 and live in Colares (Portugal). They are husband and wife. The case concerns defamation proceedings brought against the couple by a judge.

Mr Tavares de Almeida Fernandes is a well-known journalist in Portugal and was editor of the daily newspaper *Público* at the time in question. On 29 September 2006, *Público* published an editorial

written by him entitled "The strategy of the spider" (*"A estratégia da aranha"*) about the election of Judge N.N. to President of the Supreme Court of Justice, which had taken place the previous day.

In December 2007, Judge N.N. brought an action in the Lisbon Civil Court against the couple for defamation on the basis of that article, seeking 150,000 euros (EUR) in non-pecuniary damages. The court found in the judge's favour, holding that that the article had damaged Judge N.N.'s reputation. Mr Tavares de Almeida Fernandes was ordered to pay Judge N.N. EUR 35,000 in non-pecuniary damage. The court also held that Mrs Almeida Fernandes should not have been a party to the proceedings.

Mr Tavares de Almeida Fernandes appealed the decision, arguing that it had breached his freedom of expression and should therefore be overturned. He further claimed that the compensation amount was too high. Judge N.N. also appealed on the basis that the award of damages was too low and that Mrs Almeida Fernandes should have been considered as a party to the proceedings. The Lisbon Court of Appeal upheld the first-instance judgment. It considered Mrs Almeida Fernandes to be a legitimate party to the proceedings (based on the fact that the applicants were married and that, as she had no independent income, her husband's income directly benefited both of them) and ordered the couple to pay Judge N.N. EUR 60,000, plus interest, in compensation.

The couple and Judge N.N. then lodged an appeal and a cross-appeal, respectively, in November 2010 with the Supreme Court of Justice. The Supreme Court refused to hear the couple's appeal and ordered that the case be remitted to the Lisbon Court of Appeal in order for it to correct its statement of facts. The Lisbon Court of Appeal delivered its new judgment in November 2012, upholding its previous judgment. Regarding the level of damages, the court again awarded EUR 60,000, noting that despite the offence the article had caused the judge, it had not proved an obstacle to his re-election by a large majority to the same post, and so had not damaged his professional future.

Relying on Article 10 of the Convention (freedom of expression), Mr Tavares de Almeida Fernandes and Mrs Almeida Fernandes complain that the Portuguese courts' judgments breached their freedom of expression and that the amount awarded to Judge N.N. as compensation for non-pecuniary damage was disproportionate.

Cacuci and S.C. Virra & Cont Pad S.R.L. v. Romania (no. 27153/07)

The first applicant, Floare Cacuci, was born on 2 March 1939 and lives in Oradea. She is the owner and general manager of the second applicant, S.C. Virra & Cont Pad SRL, a single-member company based in Oradea. The case concerns the search of Ms Cacuci's home and S.C. Virra's business premises by the police.

Ms Cacuci is an accounting expert, and wrote forensic accounting reports to be used in criminal cases. In October 2005, a criminal investigation was initiated against Ms Cacuci, on the suspicion that she had committed intellectual forgery while producing one of her reports in order to help one of the defendants avoid investigation. The Oradea District Court issued a warrant for the search of her home, with the aim of discovering evidence. According to Ms Cacuci, she was stopped by a police officer just after she left the house, who searched her bag and seized some personal documents. Officers then conducted a search of her home and her attached business premises (which were controlled by S.C. Virra). The authorities seized computer equipment, and a range of paper and electronic records.

Ms Cacuci lodged a complaint with the prosecutor's office in relation to the search and seizure, in addition to two sets of civil proceedings about the incident. All of her complaints and claims were dismissed. Ms Cacuci was eventually acquitted on all charges made against her.

Relying on Article 8 (right to private life) the applicants complain in particular that the search of Ms Cacuci's home and S.C. Virra's business premises infringed their rights to private life and

correspondence, because they had been unnecessary, unlawful, and had involved the seizure of material which had no connection to the criminal charges. Relying on Article 13 (right to an effective remedy) taken in conjunction with Article 8, Ms Cacuci complains that Romanian law did not provide for an appeal against the decision allowing the home search.

Revision

Ciorcan and Others v. Romania (nos. 29414/09 and 44841/09)

The applicants are 37 Romanian nationals of Roma origin born between 1937 and 1990. They all live in the Apalina neighbourhood in the town of Reghin (Romania). The case concerns the request for revision of a judgment of the European Court of Human Rights, relating to an incident on 7 September 2006 involving the police and the inhabitants of Apalina during which a large number of Roma had reportedly been injured and/or shot.

Relying on Article 2 (right to life), seven of the applicants – the sons and daughters of one of the inhabitants of Apalina who had been shot in the stomach during the incident – complained that their mother's life had been put in danger by the police's use of excessive force, alleging that their mother had been shot with live ammunition and that the national authorities' related investigation had been inadequate. All but three of the applicants also complained under Article 3 (prohibition of inhuman or degrading treatment) that they had been the victims of serious bodily harm, which had put their lives in danger, and that the authorities' investigation into their allegations had been ineffective. Lastly, relying on Article 14 (prohibition of discrimination) in conjunction with Articles 2 and 3, the applicants all complained that prejudice and hostile attitudes towards Roma had played a decisive role in the police operation on 7 September 2006 – in particular the police's excessive use of force – and in the inadequacy of the authorities' ensuing investigations into the incident.

In its judgment of 27 January 2015 the Court held that there had been a violation of Articles 2 and 3 of the Convention on account of the applicants' ill-treatment by State officials and the subsequent failure to conduct an effective investigation into the events. The Court also found a violation of Article 14 in conjunction with Articles 2 and 3 of the Convention on account of the authorities' failure to take all possible steps to investigate whether or not discrimination might have played a role in the events. The Court decided to award the applicants in respect of whom violations were found amounts varying between 6,000 and 7,500 euros (EUR) for non-pecuniary damage and dismissed the remainder of the claims for just satisfaction.

The Government have now requested revision of the judgment of 27 January 2015, because one of the applicants, Susana Kalanyos, had died before the judgment was adopted.

The Government's request for revision will be examined by the Court in its judgment of 17 January 2017.

Pantea v. Romania (no 2) (no. 36525/07)

The applicant, Alexandru Pantea, is a Romanian national who was born in 1947 and lives in Zimnicea. A former prosecutor, Mr Pantea was practising as a lawyer at the time of the events. He complains of the length of the criminal proceedings against him.

On 7 June 1994 the public prosecutor's office at the Bihor County Court ordered the opening of criminal proceedings against Mr Pantea for causing bodily harm (see the judgment in Pantea v. Romania (no. 33343/96)). In a judgment of 19 June 2003 the Court of First Instance sentenced Mr Pantea to 262 days' imprisonment for causing grievous bodily harm and ordered him to pay compensation to the injured party in respect of pecuniary and non-pecuniary damage. Mr Pantea appealed.

The case was subsequently examined by eight courts in three sets of proceedings. During the proceedings the County Court ruled that the applicant's prosecution was time-barred. Consideration

of the case was adjourned by the courts approximately 60 times, with over half of the requests for adjournment coming from Mr Pantea. In view of his numerous requests for adjournment, the courts found Mr Pantea's conduct to be dilatory. Lastly, on 4 April 2007, a prosecutor from the Alba organised crime and terrorism investigation department informed the applicant, in accordance with Article 91 § 5 of the Code of Criminal Procedure, that his telephone conversations had been intercepted by the competent authorities in the course of the proceedings against a group of people.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Mr Pantea alleges that the length of the criminal proceedings against him infringed the "reasonable time" principle. Under Article 8 (right to respect for private and family life), he complains of the interception of his telephone calls with his clients, family members and relatives in the absence of lawful authorisation.

Revision

Vidu and Others v. Romania (no. 9835/02)

The applicants, Hareta-Paraschiva Vidu, Matilda Zoescu and Adriana Popescu, were Romanian nationals who applied to the European Court of Human Rights on 14 January 2002. The case concerns a request for revision of a judgment of the European Court in relation to the failure to enforce a final judgment in the applicants' favour. In its judgment on the merits of 21 February 2008 the Court found a violation of Article 6 § 1 (right to a fair hearing) and of Article 1 of Protocol No. 1 (protection of property) on account of the failure to enforce a final District Court judgment of 22 May 1992 recognising the claimants as the owners of seven plots of land with a total surface area of 100,600 sq. m. As the original applicants died in the course of the proceedings, the Court noted in its judgment on the merits that the children of Hareta-Paraschiva Vidu, namely Ruxandra Vidu and Cristian Dragoş Vidu, had been the only heirs to express a wish to continue with the application, and therefore granted them the status of applicants. In its judgment of 10 June 2014 dealing with the question of just satisfaction (Article 41), the Court held that Romania was to ensure full enforcement of the final domestic judgment, failing which it would have to pay the applicants 230,000 euros (EUR) jointly in respect of pecuniary damage. The Court also awarded the applicants EUR 4,700 jointly in respect of non-pecuniary damage.

On 10 April 2015 the Government informed the Court that they had learnt that the original applicants had already had possession and ownership of part of the land that had been the subject of the two judgments by the Court. They therefore requested that those judgments be revised within the meaning of Rule 80 of the Rules of Court and that the application be declared inadmissible.

A.H. and Others v. Russia (nos. 6033/13, 8927/13, 10549/13, 12275/13, 23890/13, 26309/13, 27161/13, 29197/13, 32224/13, 32331/13, 32351/13, 32368/13, 37173/13, 38490/13, 42340/13 and 42403/13)

The case concerns the ban on the adoption of Russian children by nationals of the United States of America. The applications were brought by 45 US nationals: both on their own behalf, and on behalf of 27 children who are Russian nationals.

Between 2010 and 2012, the US applicants started proceedings for the adoption of certain children from Russia. Many of the prospective adoptive children suffer from serious health issues (such as Down syndrome, developmental disorder and serious physical illnesses) and require specialist medical care. In most cases, the US applicants had received a positive decision from the Russian authorities regarding their suitability to become a child's adoptive parents, and the impossibility of placing the child in a Russian family. As part of the adoption procedure, the US applicants obtained a referral to visit the child concerned, which enabled them to spend several days with him or her at the respective orphanage – and re-affirmed their formal agreement to adopt them. In some cases, according to the applicants, the prospective parents had formed a bond with the child even before

initiating the adoption procedure, and one case concerned the adoption of the brother of a previously adopted child. By the end of 2012 most of the US applicants had completed all the requisite steps of the adoption procedure, prior to submitting the application to court.

However, on 21 December 2012 the Russian State Duma adopted the Federal Law no.272-FZ. Among other measures, this banned the adoption of Russian children by US nationals. The law entered into force on 1 January 2013. Proceedings were halted in all cases where the decision on adoption had not been delivered before 1 January 2013, irrespective of the state of the proceedings.

As a result of the new law, all of the US applicants' adoption procedures were discontinued. Their attempts to pursue the applications in the Russian courts were rejected.

The law received widespread publicity, leading to a protest against it in Moscow, criticism from Amnesty International and Human Rights Watch, a letter to President Putin from 48 members of the US congress, and a Resolution in the Parliamentary Assembly of the OSCE. The law also received negative coverage in the international media: most of the critical commentators argued that it was politically motivated and detrimental to the children's interests.

Relying on Article 8 (right to family life), the applicants complain that, given that they had been at an advanced stage of the adoption procedure and a bond had already been formed between the prospective parents and the children, the application of the adoption ban to them had been an unlawful and disproportionate interference with their family life. Relying on Article 14 (prohibition of discrimination) taken in conjunction with Article 8, they complain that the ban discriminated against the prospective parents on the grounds of their US nationality. Finally, they rely on Article 3 (prohibition of ill-treatment) to complain that most of the children concerned were in need of special medical care, and that depriving them of this by preventing them from being adopted in the United States amounted to treatment prohibited by Article 3.

Barakhoyev v. Russia (no. 8516/08)

The applicant, Sultan Abdul-Khalitovich Barakhoyev, now deceased, is a Russian national who was born in 1982 and lived in Kartsa, in the North Ossetia-Alania Republic (Russia). The case concerns his complaint about his arrest and ill-treatment in police custody.

Mr Barakhoyev alleges that on 10 January 2007 he was stopped when walking down the street in Kartsa by a group of men in plain clothes, pushed into their car and taken to the local police station. He claims that he was then punched, kicked, suffocated with a plastic bag, beaten on his bare heels and had a grenade planted in the pocket of his jacket. The next day he was charged with illegally possessing a grenade and released pending investigation on the undertaking that he would not leave town. Mr Barakhoyev had sustained multiple bruises which were filmed on the day of his release by the lawyer retained by his parents to represent him and documented shortly afterwards by a forensic medical expert.

The Government contest Mr Barakhoyev's version of events, submitting that he had been arrested on the basis of information received by the police that he was the leader of a group of young people of Ingush ethnic origin who had caused tensions with the Ossetian population in Kartsa and was in possession of illegal firearms. On arrival at the police station he had been examined by a doctor who found no injuries. The Government further contest Mr Barakhoyev's allegation that he was ill-treated in police custody, and suggest that he must have sustained injuries when resisting arrest.

The criminal proceedings brought against Mr Barakhoyev were discontinued in February 2007. The investigation into his allegations of ill-treatment, launched in February 2007, and discontinued and re-opened on several occasions with the regional prosecutor pointing out numerous defects in January 2015, is still ongoing.

Relying on Article 3 (prohibition of inhuman and degrading treatment), Mr Barakhoyev complained that he had been ill-treated in police custody and that the ensuing investigation had been

ineffective. He also relied on Article 5 (right to liberty and security), alleging that he had spent about 23 hours at the police station with no grounds for his arrest and in the absence of any reasonable suspicion that he had committed a crime.

B.K.M. Lojistik Tasimacilik Ticaret Limited Sirketi v. Slovenia (no. 42079/12)

The applicant company, B.K.M. Lojistik Tasimacilik Ticaret Limited Sirketi, is a Turkish company based in Istanbul (Turkey). The company complains about the Slovenian authorities' confiscation of its lorry.

In November 2008 Slovenian customs officers found packages of suspected heroin when stopping the applicant company's lorry while in transit. The driver, a Turkish citizen, was arrested, detained and charged with drug trafficking. The lorry was seized pending the decision in the case. When the driver was found guilty as charged in December 2008, the first-instance court ordered that the lorry be returned to the applicant company as it found that there was nothing to indicate that the applicant company had known about the transportation of illegal drugs on its lorry. However, on appeal by the prosecuting authorities, the Higher Court overturned this decision, finding that the relevant domestic legislation entailed mandatory confiscation of any vehicle used for drug trafficking, regardless of the owner's good faith. The applicant company challenged the confiscation by lodging a constitutional complaint. However, the Constitutional Court dismissed the complaint, confirming the Higher Court's view. Eventually, the lorry was put up for auction in 2009 and allegedly sold back to the applicant company.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company allege that the confiscation of its lorry was unlawful and disproportionate.

C.M. v. Switzerland (no. 7318/09)

The applicant, C.M., is a Swiss national who was born in 1945 and lives in Zug (Switzerland). The case concerns the proceedings relating to C.M.'s disability pension.

In May 2001 the Social Insurance Tribunal ordered the pension fund to pay C.M. retroactive disability benefits dating back to 11 June 1993. In August 2003 C.M. was informed of the amount of his disability pension and of the arrears, including interest.

In December 2003 C.M. brought an action in the Social Insurance Tribunal against the pension fund, seeking recalculation of the interest. He subsequently signed an out-of-court settlement and withdrew the action.

In September 2007 C.M. brought a fresh action against the pension fund seeking a full disability pension with effect from 11 June 1993 and the payment of 5% interest on the arrears with effect from 11 June 1998. The pension fund, in its written reply of 19 December 2007, requested that the action be dismissed, referring to the out-of-court settlement.

In March 2008 the Social Insurance Tribunal dismissed C.M.'s claims. He appealed against that decision, arguing in particular that he had been unable to submit his observations in reply to those of the pension fund submitted on 19 October 2007, as he had not received them until 10 March 2008, two days before delivery of the Social Insurance Tribunal's judgment of 12 March 2008.

Relying on Article 6 § 1 (right to a fair hearing), C.M. complains in particular that the Social Insurance Tribunal did not send him the observations of the opposing party concerning his action until a few days before judgment was given, with the result that he was unable to reply to them. Under the same Article he alleges a breach of the principle of equality of arms. C.M. also complains of a violation of his rights under Article 13 of the Convention (right to an effective remedy).

Önkol v. Turkey (no. 24359/10)

The applicants, Raif Önkol and Saliha Önkol, are Turkish nationals who were born in 1960 and 1956 respectively and live in Diyarbakır (Turkey). The case concerns the death of Ceylan Önkol, Mr and Mrs Önkol's daughter, after an explosive device blew up in a field where she was grazing livestock.

On 28 September 2009 twelve-year-old Ceylan Önkol was killed when an explosive device blew up in a field near the village of Şenlik. Her body was taken to the gendarmerie station by her parents and some of the villagers so that a medical examination could be carried out, as the authorities had not gone to the scene on the day of the explosion because the site was considered a terrorist risk.

On 30 September 2009 the public prosecutor's office issued a site inspection report. On the same day the Criminal Court ordered that the investigation be kept confidential. That order was lifted on 15 October 2009 at the public prosecutor's request. The criminal investigation established, among other findings, that the military authorities had not carried out any operations at the scene of the explosion on the day of the incident or beforehand, and that there was no evidence to suggest that the type of device that had killed Ceylan Önkol had been used by the security forces during the 12 clashes that had taken place in the region between the security forces and members of a terrorist organisation. In April 2014 the public prosecutor's office issued a permanent search warrant aimed at identifying the perpetrators before the prosecution became time-barred. The security forces continued their search and drew up quarterly reports.

Meanwhile, Mr and Mrs Önkol applied to the Ministry of Defence for compensation on account of their daughter's death, but no action was taken. In 2010 they brought an action in the Diyarbakır Administrative Court seeking compensation for the damage caused by their daughter's death. In September 2014 the court awarded them a sum of approximately 10,000 euros (EUR), plus default interest, on the basis of the State's strict liability. Mr and Mrs Önkol lodged an appeal on points of law which is currently pending before the Supreme Administrative Court.

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy), Mr and Mrs Önkol complain about the death of their daughter and the lack of an effective investigation. Under Article 3 (prohibition of inhuman or degrading treatment) and Article 17 (prohibition of abuse of rights), the applicants allege that they suffered psychologically because of their daughter's death, and complain of the way in which they were treated during the proceedings. Relying on Article 14 (prohibition of discrimination), they allege that they were discriminated against because of their Kurdish origins.

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.

Benes v. Austria (no. 15838/13)
Ulrich Lell GmbH v. Austria (no. 6783/11)
Boacă and Others v. Romania (no. 40374/11)
Crăiţă v. Romania (no. 41773/09)
Dăscălescu v. Romania (no. 24125/09)
Mazilu v. Romania (no. 23338/13)
Nenciu v. Romania (no. 65980/13)
Piu and Cîrstenoiu v. Romania (no. 59635/13)
S.C. Carbochim S.A. Cluj-Napoca and S.C. Fenega Import-Export S.R.L. and Others v. Romania (nos. 45621/05, 46691/07, 27314/08 and 1150/09)
Kim and Ryndina v. Russia (nos. 22094/05 and 20813/08)
Kulyuk and Others v. Russia (nos. 47032/06, 6415/07, 39249/08, and 39251/08) – **Revision**

Thursday 19 January 2017

Dimova and Peeva v. Bulgaria (no. 20440/11)

The case concerns the Bulgarian courts' refusal to allow a child to travel abroad with her mother without her (the child's) father's consent. The applicants, Tsveta Dimitrova Dimova and her daughter Emma Lachezarova Peeva, are Bulgarian nationals who were born in 1980 and 2005 respectively and currently live in the UK.

Ms Dimova divorced Ms Peeva's father in 2008. According to the divorce agreement, the child was to live with her mother, and her father would have certain contact rights. In March 2009, Ms Dimova sought authorisation from the Varna District Court for her daughter to leave the country with her without the father's agreement. Ms Dimova submitted that she was in a committed relationship with a Bulgarian man living in the United Kingdom, that they intended to marry, and that she wished to live with him and her daughter in the UK. The court rejected Ms Dimova's claim in October 2009, finding that this would not be in the child's best interests. Specifically, the court noted that the mother could not show that she had a fixed residence abroad or a secure income with which to ensure her daughter's well-being. In addition, the child's absence from Bulgaria would interfere with her father's exercise of his contact rights. Ms Dimova appealed this decision to the Varna Regional Court. The court allowed her appeal in February 2010, holding that, in view of the strained relationship between the parents, permission for the child to travel abroad with only her mother should be granted until she reached majority.

The Supreme Court of Cassation upheld a cassation appeal by the father and in a final judgment of 1 November 2010 refused to allow the child to travel abroad without her father's agreement. The court held that permission to travel abroad with just one parent could only be granted in respect of fixed destinations and for a limited period of time, and uniquely when this was in the child's best interests. The Supreme Court of Cassation noted that Ms Dimova had not presented any guarantees as to where the child would be taken or how the father's contact rights would be exercised. Importantly, she had not sought in court to have the contact regime between child and father changed with a view to her and the child settling in the UK.

On 18 December 2011, Ms Dimova and her partner, who was still living in the UK, married in Bulgaria. Several days earlier, the child's father had explicitly agreed to her leaving the country with her mother. He signed an initial declaration authorising a six-month period, and has apparently been signing such declarations authorising year-long periods ever since. As a result, Ms Dimova and her daughter have been able to travel to, live, and study in the UK. Since leaving Bulgaria in January 2012, the child has been in regular contact with her father via phone and Skype, and has spent time with him every summer.

Relying on Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy), the applicants complain that the Bulgarian courts' refusal to allow the child unrestricted travel abroad with her mother without her father's consent breached both her and her mother's right to a private and family life. They further complain that they did not have access to an effective remedy in this respect.

I.P. v. Bulgaria (no. 72936/14)

The applicant, Mr I.P., is a Bulgarian national who was born in 1999 and lives in Sofia. The case concerns the placement of a minor in a short-stay institution for young people following a prosecutor's order.

Beginning in early 2012 the local committee for combatting anti-social behaviour by young people adopted educational measures in respect of I.P., including placing him under the supervision of a social worker and barring him from frequenting certain places or persons and from changing residence. The measures were taken on the basis of the Young People's Anti-social Behaviour

Prevention Act. In February 2014, taking the view that the measures had had no impact on the applicant, the local committee applied to the Sofia District Court proposing that I.P. be placed in a residential educational facility.

I.P. ran away from home on 1 April 2014 and was found by the police on 14 April. The following day a police officer requested the public prosecutor to order the applicant's placement in a short-stay institution for young people in Sofia. The same day, on the orders of the prosecutor, I.P. was taken by the police to the institution in question. The District Court gave a judgment ordering I.P.'s placement for one year in a residential educational facility. On 14 May 2014 the young man was transferred from the Sofia short-stay institution to the Rakitovo residential educational facility, where he remained until 30 June 2015.

Relying on Article 5 § 4 (right to a speedy decision on the lawfulness of detention), the applicant alleges that he was deprived of a remedy by which to obtain a review of the lawfulness of his placement in the short-stay institution for young people between 15 April and 14 May 2014.

Ivan Todorov v. Bulgaria (no. 71545/11)

The applicant, Ivan Aleksandrov Todorov, is a Bulgarian national who was born in 1946 and lives in Sofia. The case concerns the applicant's attempts to challenge the lawfulness of his imprisonment.

In April 1987 Mr Todorov was found guilty of aiding and abetting the misuse of public property and was sentenced, among other penalties, to 20 years' imprisonment. Having been charged with and subsequently found guilty of misappropriating fuel and other property belonging to the military regiment in which he had been serving as a career soldier, he was imprisoned on 11 June 1986 pending trial and began serving his prison sentence on 22 June 1987.

In January 1991 Mr Todorov lodged an application for review with the Supreme Court. On 9 January 1991 the President of the Supreme Court ordered a stay of execution of the applicant's sentence because of his state of health, and Mr Todorov was released on 28 January 1991. On 3 December 1992 the Supreme Court dismissed the application for review and upheld the conviction. The authorities were unable to locate Mr Todorov, and an international "wanted person" notice was issued concerning him. In the meantime, the applicant had left Bulgaria and travelled to the United States, where he obtained a residence permit and later became an American citizen.

In 2005 Mr Todorov requested a pardon from the President of the Republic of Bulgaria. In a letter of November 2007 the pardons commission informed him that it was unnecessary to examine his request as the limitation period for enforcement of his sentence had expired. Mr Todorov decided to return to Bulgaria. On 27 January 2008 he was arrested on arrival at Sofia Airport and was sent to prison the following day to serve the 20-year sentence handed down in 1987. Mr Todorov appealed to the public prosecutor's office. In August 2008 the public prosecutor's office at the Military Court of Appeal held that the running of the limitation period had been interrupted when the international wanted person notice was issued, and that a new period should have started on the date of issue; this would have expired on 31 May 2008, that is to say, after Mr Todorov's arrest at the airport. The public prosecutor's office at the Court of Cassation took the view that the running of the limitation period had been interrupted on several occasions by the various measures taken to locate the applicant and that the period had therefore not yet expired. Mr Todorov subsequently applied several times to the public prosecutor's office at the Court of Cassation to be released, without success. He also submitted several unsuccessful requests to the various authorities seeking a finding that the absolute limitation period for enforcement of his sentence had expired. Mr Todorov was released on 27 May 2014.

Relying on Articles 5 § 1 (right to liberty and security), 5 § 4 (right to a speedy decision on the lawfulness of detention) and 5 § 5 (right to compensation), Mr Todorov alleges that his detention was unlawful since the limitation period for enforcement of his sentence had expired. He complains

that he did not have a judicial remedy by which to challenge the lawfulness of his detention and that he did not have a right under domestic law to obtain compensation for the violations of his rights.

Posevini v. Bulgaria (no. 63638/14)

The applicants, Eduard Posevin, a Russian national, his wife, Tetyana Posevina, a Ukrainian and Bulgarian national, and their two daughters, Valeriya and Dzhulia Posevina, both Ukrainian nationals, were born in 1962, 1974, 2001, and 2004 respectively. They all live in Plovdiv, Bulgaria. The case concerns searches and seizures in their house and photography studio.

The Plovdiv district prosecutor's office suspected Mr Posevin of being involved in the forging of Bulgarian identity documents and providing them to Turkish nationals living unlawfully in France. Electronic surveillance revealed that he had been in email correspondence with a Turkish national who was subsequently arrested in France in March 2014 in possession of fake Bulgarian identity cards, passports, and drivers' licences. Two days after this man's arrest, the Plovdiv district prosecutor's office applied for warrants to search Mr Posevin's photography studio, car, and the family home, and seize evidence there. The application stated that it was believed that Mr Posevin had provided assistance to the above-mentioned Turkish national. That same day, a judge of the Plovdiv District Court issued three warrants authorising the searches and seizures.

On 14 March 2014, as Mr Posevin was leaving his house at around 9 a.m., he was intercepted by three police officers – two in plain clothes and one in uniform. The family maintain that the police did not identify themselves, roughly pinned down and handcuffed Mr Posevin behind his back, frightening his two children, and then allegedly searched the house chaotically without presenting the search warrant. According to the search record, the police seized SIM cards, identity and other documents, and electronic media. They then put Mr Posevin in a police car and drove to his photography studio, which they proceeded to search and from which they seized photographic equipment, electronic media, and cash. Mr Posevin claims that the police again did not allow him to inspect the search warrant. The police took Mr Posevin to a police station, where he gave a statement and granted the police access to his email account. Mr Posevin alleges that his hands were kept handcuffed behind his back for most of this time. No emails were seized from his account and he was released around 6 p.m.

The seized electronic media were examined by computer experts and all files were copied. All of the seized items were returned to the family within three months of the searches and seizures. In July 2014, the police sent the case file to the Plovdiv district prosecutor's office, recommending that the proceedings be discontinued. That office disagreed and decided to stay the proceedings. In September, it sent the file back to the police for further investigation. The police returned the file to the district prosecutor's office and it appears that the proceedings are still pending. None of the applicants has been charged with any offence.

Relying on Article 3 (prohibition of inhuman and degrading treatment), the family complain that the police treated Mr Posevin in a needlessly brutal manner during his arrest and at the station. Relying on Article 8 (right to respect for private and family life), they complain that the searches and seizures of their house and photography studio were chaotic, the warrants not having been framed in precise enough times. Furhter relying on Article 13 (right to an effective remedy), they complain that they did not have an effective domestic remedy in respect of the alleged breaches of Articles 3 and 8. Lastly, they argue under Article 6 (right to a fair trial) that there was no possibility under Bulgarian law for them to bring judicial proceedings to challenge the searches and seizures.

Stamova v. Bulgaria (no. 8725/07)

The applicant, Elka Dimitrova Stamova, is a Bulgarian national who was born in 1958 and lives in Burgas (Bulgaria). The case concerns her complaint, both in her personal capacity and as a sole trader, about the authorities' failure to sell to her a municipally-owned shop.

In April 1993 Ms Stamova started renting a municipally-owned shop in the town of Primorsko. In 1995 she asked her local council if she could purchase the shop under a preferential privatisation procedure. As the council did not reply, she brought judicial proceedings. In three final judgments in 2003, 2005 and 2008 the courts ordered the municipal authorities to open a privatisation procedure in Ms Stamova's favour. However, the judgments remain unenforced to date.

In the meantime, the local authorities had attempted to evict Ms Stamova from the premises, without success. The local council had also subsequently ordered the shop's sale and demolition as it was considered dilapidated and unsafe. The shop was ultimately sold in 2005 and the mayor ordered the new buyer to demolish the shop, which he did in February 2006. Ms Stamova, unaware that the shop had been sold, found out about the demolition from an acquaintance.

In 2011 Ms Stamova also lodged a claim for damages. The claim was split into two sets of proceedings, against the mayor for ordering the demolition of the shop and against the municipal council for its failure to offer to sell her the shop. The proceedings against the mayor were later terminated on the ground that Ms Stamova did not have standing to pursue the claim. The proceedings against the council were examined at two levels of jurisdiction and in a final decision of December 2014 the Supreme Administrative Court rejected Ms Stamova's claim. Ms Stamova was ordered to pay around 4,000 euros for costs and expenses at the end of these proceedings.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy), Ms Stamova complains about the municipal authorities' failure to implement three final judgments ordering them to sell the shop to her, alleging also that there were no effective remedies for seeking damages either from the State or the municipality in connection with this complaint.

Werra Naturstein GmbH & Co Kg v. Germany (no. 32377/12)

The applicant company, Werra Naturstein GmbH & Co Kg, is a German company based in Auengrund (Germany). The case concerns the company's complaint about inadequate compensation when it had to stop quarrying limestone due to the construction of a motorway.

In 1994 the applicant company was granted a 25-year mining licence to quarry limestone. The planning of the motorway was already under way, but the exact route had not been finalised. In November 2000, the route chosen being across the quarry, the mining authority declined to approve the applicant company's operation plan for the next two years. As a consequence, the applicant company had to stop quarrying limestone and transferred its activity to another mining site in 2001, leaving 67% of the original volume of limestone still in the ground. It had to bear the costs of relocating the plant.

Administrative proceedings brought by the applicant company requesting the annulment of the planning decision for the construction of the motorway were discontinued in 2004, the local authorities and the applicant company having declared the matter resolved.

In 2005 the Government seized the land on which the quarry was situated after a settlement had been reached with the applicant company. The part of the applicant company's land on which the motorway had been built was expropriated in 2008 and compensation was set at 865,000 euros (EUR), which included compensation for the land value as farmland and some of the costs of relocation. This amount was later reduced to EUR 22,800 in judicial review proceedings. The effective loss of the applicant company's mining licence and the consequences for its remaining quarrying operation were also assessed in those proceedings by the domestic courts between 2009 and 2011, but were not compensated at all.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company alleges that, although the chosen route across the quarry might have saved costs for the general public, an excessive financial burden had been imposed on it.

Kapsis and Danikas v. Greece (no. 52137/12)

The applicants, Pantelis Kapsis and Dimitrios Danikas, are Greek nationals who were born in 1955 and 1947 respectively and live in Athens.

The case concerns an order made in civil proceedings against the director of a daily newspaper (Mr Kapsis) and a journalist (Mr Danikas), jointly and severally with the newspaper's editor, on account of the publication of a press article describing an actress as "completely unknown".

In December 2004 Mr Danikas published an article in the newspaper *Ta Nea* concerning the appointment of the actress P.M. to the subsidies advisory committee of the Ministry of Culture's Theatre Department. In April 2005 P.M. brought an action for damages in the Athens Court of First Instance against Mr Kapsis, as the director of the newspaper at the relevant time, Mr Danikas, as the author of the article, and the newspaper's editor, claiming to have been the victim of insults and of a violation of her personality rights.

In June 2006 the three defendants were ordered jointly and severally to pay the sum of 30,000 euros (EUR) to P.M. together with costs and expenses. The court noted, among other considerations, that the article in question had been written at the time of P.M.'s appointment to the subsidies advisory committee of the Ministry of Culture's Theatre Department; that the use of the words "completely unknown" had overstepped the limits of legitimate criticism and had not been objectively necessary in order for the journalist to express his views on the appointment; that, by using those words, the journalist had sought to damage P.M.'s honour and had voiced suspicions as to her moral and social status, demonstrating contempt for her personally. The judgment was upheld on appeal, and an appeal on points of law by Mr Kapsis and Mr Danikas was dismissed.

The company that published *Ta Nea* eventually paid the EUR 30,000 to P.M., together with part of the costs and expenses incurred in the proceedings before the Court of Appeal, and the costs and expenses connected with the Court of Cassation proceedings.

Relying on Article 10 (freedom of expression), Mr Kapsis and Mr Danikas complain of the order for them to pay damages to the actress P.M., jointly and severally with the newspaper's editor.

Singh and Others v. Greece (no. 60041/13)

The applicants are 33 Greek nationals, an Albanian national and an Indian national, who were born between 1938 and 1985 respectively. All of the applicants were or are still detained in Korydallos prison in Athens. The case concerns their allegations of poor conditions during their detention.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants complain that they were detained in inhuman and degrading conditions. In particular, they claim that the prison was severely overcrowded (as it was designed to accommodate 700 but held 2,400), understaffed and unsafe; that there was inadequate natural light, ventilation, heating and hot water; that the cells were dirty and overrun with cockroaches; that there was no adequate medical care; and that healthy prisoners were held together with the sick. The applicants also rely on Article 13 (right to an effective remedy) in conjunction with Article 3, to claim that there were no effective domestic remedies available to them by which to complain of these conditions. They allege that, though they made a complaint about their living conditions to the prison authorities in June 2013, they did not receive a reply.

Tziovanis and Others v. Greece (no. 27462/09)

The applicants are Dimitrios Tziovanis, Nikolaos Tziovanis and Zoï Tziovani-Gagopoulou, Greek nationals living in Serres and Athens, and the limited-liability company Athlitiko Kentro ("sports centre") with its registered office in Athens. The case concerns the alleged violation of the applicants' right of access to a court and of their right to have their case heard "within a reasonable time".

On 7 May 2001 the applicant company and the father of some of the applicants, who later died, brought an action in the District Court seeking damages from the Church of Greece and from a construction company and its representative, in connection with the renting of a sports centre owned by the Church and managed by the construction company. In a judgment of 12 July 2004 the court dismissed the action as being vague in so far as it was based on unjust enrichment. It dismissed as unfounded the part of the action relating to damages. The District Court allowed the defendants' objection that this part of the action was time-barred. It rejected as vague and unproven the applicants' objection in reply to the effect that the limitation period had stopped running because the defendants had acknowledged the applicants' claims. On 18 January 2005 the applicant company and the other three applicants appealed. In July 2006 and February 2007 the Court of Appeal overturned the judgment but also declared the applicants' action inadmissible on the grounds that their claims were time-barred. It held that the applicants' allegations regarding the interruption of the limitation period were inadmissible as they had not been raised at first instance. Lastly, the Court of Appeal stressed that the objection in reply regarding the interruption of the limitation period was not in accordance with the law since the steps taken in relation to the defendants had not been apt to stop the running of that period.

The applicants lodged an appeal on points of law with the Court of Cassation, which dismissed their claims.

Relying on Article 6 § 1 (right of access to a court and right to a fair hearing within a reasonable time), the applicants complain that the Court of Cassation's finding of inadmissibility regarding their second ground of appeal – the objection in reply concerning the interruption of the limitation period – violated their right of access to a court. They also complain that the proceedings they brought in the civil courts did not comply with the reasonable-time requirement. Relying on Article 13 (right to an effective remedy), taken together with Article 6 § 1, they allege that they did not have an effective remedy by which to complain about the length of the proceedings and about the violation of their right of access to a court.

Kulykov and Others v. Ukraine (nos. 5114/09, 4588/11, 9740/11, 12812/11, 20554/11, 35336/11, 68443/11, 75790/11, 78241/11, 5678/12, 11775/12, 21546/12, 54135/12, 65207/12, 77810/12, 242/13, 15073/13, and 57154/13)

The applicants are 18 Ukrainian nationals who were born between 1956 and 1979 and live in Dnipro, Obukhiv, Kyiv, Holovanivsk, Kamyanske, Boryspil, Berezan, Vinnytsya, Henichensk, Slovyansk, and Kryvyy Rih (all in Ukraine). The case concerns their dismissals from their positions as judges in the domestic courts.

The applicants were all domestic court judges in Ukraine, who were dismissed from their posts as a result of proceedings brought against them. The facts giving rise to their dismissals were established by the High Council of Justice (HCJ). In each case, the HCJ found between 2004 and 2012 that the applicant had breached the judicial oath. The HCJ's decisions were submitted to Parliament or to the President of Ukraine (depending on which of those authorities had appointed the applicant to the post of judge) for final decisions on their dismissal. The applicants further unsuccessfully challenged their dismissals before the Higher Administrative Court or other courts.

Relying on Article 6 (right to a fair hearing), the applicants complain that their dismissal proceedings had been unfair and incompatible with the principle of an independent and impartial tribunal. Relying on Article 8 (right to respect for private and family life), they further complain that their private lives had been substantially affected by their dismissals. Some of the applicants also requested the Court to indicate to the Government of Ukraine the need to introduce general measures to reform the system of judicial discipline in the country, as well as to take the individual measure of ordering their reinstatement.

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.

H.P. v. Denmark (no. 55607/09)
Laborie v. France (no. 44024/13)
Zentas Loginas Muzejs v. Latvia (no. 32066/06)
Svarciuc v. the Republic of Moldova (no. 34374/07)
Scepanovic v. Montenegro (no. 34817/07)
Borodin and Others v. Russia (nos. 52454/11, 53022/11, 53252/11, 53771/11, 53776/11, 53811/11, 53812/11, and 65704/11)
Chigirinova v. Russia (no. 28448/16)
Koromchakova v. Russia (no. 19185/05)
M.M. v. Russia (no. 34387/16)
Ovakimyan v. Russia (no. 55345/14)
Popova v. Russia (no. 19208/13)
Rymanov v. Russia (no. 18471/03)
Tankanag and Others v. Russia (nos. 18767/13, 28481/13, 58425/13, 58433/13, and 58580/13)
Maxian and Maxianova v. Slovakia (no. 10816/12)
M.B. v. Spain (no. 15109/15)
A.J. and F.B. v. Sweden (no. 36384/16)
Aho v. Sweden (no. 25514/15)
Louw v. Sweden (no. 33087/15)
Erik v. Turkey (no. 16066/12)
Şarkaya and Seçkin v. Turkey (nos. 47497/08, 3492/09, 55534/09, 64630/09, 6630/10, 26034/10, 38645/10, 41917/10, 47477/10, 55043/10, 57522/10, 60898/10, 74534/10, 75193/10, and 50327/12)
Tas v. Turkey (no. 55596/09)
Turan and Others v. Turkey (nos. 31924/06 and 9498/10)
Gorodovych v. Ukraine (no. 71050/11)
Komarov v. Ukraine (no. 4772/06)

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