



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing seven judgments on Tuesday 20 February 2018 and 33 judgments and / or decisions on Thursday 22 February 2018.

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

### Tuesday 20 February 2018

#### [Ramanauskas v. Lithuania \(no. 2\) \(application no. 55146/14\)](#)

The applicant, Kęstas Ramanauskas, is a Lithuanian national who was born in 1966 and lives in Kaišiadorys (Lithuania).

The case concerns his conviction for bribery during his time working as lawyer, and his allegation that the conviction is unsafe on account of unlawful entrapment.

In 2010 a prisoner at Pravieniškės Correctional Facility was approached by the institution's Deputy Head and told that it was possible to be released on probation on payment of a bribe. The prisoner was then introduced to Mr Ramanauskas, who offered to secure the prisoner's release and explained the costs involved. Subsequent conversations were covertly recorded by the prisoner, and he reported these conversations to the authorities. On 31 January 2011 the authorities sought judicial authorisation for the prisoner to proceed with the offer of a bribe, and for further covert surveillance. On 29 March Mr Ramanauskas was arrested following his receipt of LTL 30,000 (the equivalent of 8,689 euros), and in July 2012 he was convicted of bribery and sentenced to 60 days in jail.

His appeal against conviction was dismissed, but the sentence was reduced to a fine. His further appeal to the Supreme Court was also dismissed, and a further application to reopen proceedings was turned down, although his fine was again reduced.

Relying on Article 6 § 1 (right to a fair hearing by an independent and impartial tribunal) of the European Convention on Human Rights, Mr Ramanauskas complains that he was incited and pressured to commit an offence.

#### [Vujović and Lipa D.O.O. v. Montenegro \(no. 18912/15\)](#)

The applicants in this case are Milorad Vujović, a Montenegrin national born in 1956 and living in Cetinje (Montenegro) and Lipa D.O.O., a construction company based in Montenegro. Mr Vujović is the founder, the sole owner, and the executive director of Lipa D.O.O.

The case concerns the applicants' complaint about not being able to appeal against a court decision to order insolvency proceedings against the company.

A creditor asked the Commercial Court in July 2013 to begin insolvency proceedings against the applicant company, a request which was granted in December of the same year, leading to the appointment of an administrator. The company lodged an appeal against the decision through its lawyer, but the court rejected the appeal because the law at the time stated that only insolvency administrators could appeal against insolvency orders. The applicants lodged a constitutional appeal, which was rejected in July 2014.

Relying in particular on Article 6 (right to a fair hearing / access to court) of the European Convention, the applicants complain about the fact that the court of appeal did not deal with their case on the merits.

#### [X v. Russia \(no. 3150/15\)](#)

The applicant, X, is a Russian national who was born in 1995 and lives in Moscow.

The case concerns his compulsory confinement in a psychiatric facility.

The applicant, who had already been diagnosed with schizotypal personality disorder and was being treated, was apprehended by the police on 24 April 2014 after allegedly harassing a teenager. He was taken to a police station and then by ambulance to a psychiatric hospital, where he was admitted involuntarily. The initial examination at the hospital noted his being tense and asking for time to “spend with boys”. A further examination carried out a day later spoke of the applicant’s having become acquainted with a particular boy, and that he wanted to look like a girl and had dyed his hair to attract attention. The applicant demanded to be released so a panel of doctors examined him again.

The panel, noting his interest in a particular boy, concluded that the applicant needed involuntary hospitalisation and the hospital applied for a court order on the grounds that the applicant was a danger to himself and others and that there was a risk his health would worsen if he was released. A court granted the order in early May 2014, against the applicant’s objections. He eventually left the hospital after about two weeks. An appeal against the court order was rejected in July 2014.

He complains under Article 5 § 1 (e) (right to liberty and security) and Article 5 § 4 (right to have lawfulness of detention decided speedily by a court).

#### [Mehmet Günay and Güllü Günay v. Turkey \(no. 52797/08\)](#)

The applicants, Mehmet Günay and Güllü Günay, are Turkish nationals who were born in 1969 and live in Bartın (Turkey). They are the parents of Nilay Günay, who died at the age of six of cerebral oedema, about ten days after a tonsillectomy operation (surgical removal of the palatine tonsils). The case concerns allegations of medical negligence.

Mehmet and Güllü Günay brought an action for damages before the administrative court in 2001, alleging that their daughter’s death had been due to errors, carelessness and negligence committed by the operating surgeon and the duty doctor. The action was dismissed in its entirety.

Relying on Article 2 (right to life), Article 13 (right to an effective remedy) and Article 6 § 1 (right to a fair trial within a reasonable time), Mehmet and Güllü Günay submit that the domestic proceedings had failed to identify those responsible for their daughter’s death. They also complain about the length of proceedings.

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

These rulings can be consulted from the day of their delivery on the Court’s online database [HUDOC](#).

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

**Bopkhoyeva v. Russia** (no. 25414/14)

**Boyko v. Russia** (no. 42259/07)

**Šaćirović and Others v. Serbia** (nos. 54001/15, 55113/15, 60075/15, and 7193/16)

Thursday 22 February 2018

### [Libert v. France \(no. 588/13\)](#)

The applicant, Eric Libert, is a French national who was born in 1958 and lives in Louvencourt.

He complains that in his absence, his employer opened files stored on the hard drive of his work computer.

Mr Libert, who was employed at the French national railway company (SNCF) as Deputy Head of the Amiens Regional Surveillance Unit, was temporarily suspended from his duties. On his reinstatement, in March 2008, he noted that his work computer had been confiscated. He was summoned by his superiors and informed that the computer had been found to contain certificates of change of address drawn up for third persons and bearing the official Surveillance Unit logo, and a large number of files comprising pornographic images and films. The SNCF regional director decided to dismiss him from his post.

Relying on Article 8 (right to respect for private and family life), Mr Libert complains that his employer opened, in his absence, personal files stored on the hard drive of his work computer.

### [Alpha Doryforiki Tileorasi Anonymi Etairia v. Greece \(no. 72562/10\)](#)

The applicant company, Alpha Doryforiki Tileorasi Anonymi Etairia, is a limited liability company based in Greece. It is the owner of the Greek television channel ALPHA.

The case concerns the company's complaint about being fined for showing three secretly filmed video-recordings of a politician on television.

The videos were first shown on a programme called *Jungle* in January 2002 and then again three days later on another programme. They concerned a politician, A.C., who was on a parliamentary committee on electronic gambling. The first video showed him entering a gambling arcade and playing on two machines. The other videos showed him being confronted with the first film.

The National Radio and Television Council in May 2002 found that the use of the cameras had not been in accordance with the law and fined the company 100,000 euros for each of the programmes. It also ordered it to show the content of its decision on the main news programme for three days. The applicant company's lawyers argued during the Council's hearing on the case that the use of the cameras had been justified given A.C.'s position. They also said that filming in that way had been an exception which had been made necessary by the fact that no one would have believed the journalists' allegations if the images had not been broadcast. The Supreme Administrative Court upheld the penalty on the company in April 2010.

Relying on Article 10 (freedom of expression) and Article 6 § 1 (right to a fair hearing within a reasonable time), the company complains about the penalties imposed on it and the length of the proceedings.

### [Drassich v. Italy \(n° 2\) \(no. 65173/09\)](#)

The applicant, Mauro Drassich, is an Italian national who was born in 1958 and lives in Paularo. A bankruptcy judge by profession, he considers that the domestic courts failed to comply with the judgment delivered by the Court on 11 December 2007 finding a violation of Article 6 § 3 (a) and (b) (right to be informed promptly of any accusations/right to have adequate time and facilities for the preparation of defence), read in conjunction with Article 6 § 1 (right to a fair trial).

The case concerned the reclassification by the Court of Cassation of the acts which Mr Drassich was alleged to have committed in the context of examining an objection that the corruption charge against him was time-barred. The Court of Cassation justified the dismissal of that claim on the basis of the new classification of the offence ("corruption in the context of judicial decisions"). The Court

had found an infringement of his right to be informed in detail of the nature and cause of the accusation against him and of his right to have adequate time and facilities to prepare his defence.

Relying on Article 6 §§ 1 and 3, the applicant alleges that the domestic courts failed to observe the indications set out in the [Drassich v. Italy](#) judgment (no. 25575/04) and that they have once again violated that article of the Convention. He also complains that he was not allowed to appear in person before the Court of Cassation.

### [Shtolts and Others v. Russia \(nos. 77056/14, 17236/15, and 14023/16\)](#)

The applicants, Eduard Shtolts, Eduard Kotkov, and Irina Shumakova, are Russian nationals who were born in 1971, 1980, and 1975 respectively and live in Syktyvkar (Mr Shtolts and Mr Kotkov) and Koporye, the Leningrad Region (Ms Shumakova) (both in Russia).

The case concerns the non-enforcement or delayed enforcement of judgments ordering the State to provide the applicants with social housing.

Mr Shtolts' house was destroyed in a fire, Mr Kotkov's was unlawfully demolished, and Ms Shumakova required priority housing for her sick child. In 2012 and 2013 District Courts ordered the local authorities to provide accommodation to the applicants. The judgment in favour of Ms Shumakova was enforced in March 2016. The judgments in the cases of Mr Shtolts and Mr Kotkov remain unenforced to the present day, despite efforts by the applicants and bailiffs.

In December 2016, in response to a pilot judgment ([Gerasimov and Others v. Russia](#)), the Russian Parliament amended the domestic Compensation Act, extending its scope to include compensation in such cases. The amendments entered into force on 1 January 2017. The applicants, whose cases had been adjourned until October 2016 pending the implementation of *Gerasimov and Others*, were informed of the amendments. Mr Shtolts and Mr Kotkov, who did not lodge a domestic action under the amended Compensation Act, maintain their applications before the Court, on the basis that they had complained long before the amendments. Ms Shumakova said she would lodge an action under the Compensation Act, but has provided no update.

All three applicants complain under Article 6 (right to a fair hearing) and Article 1 of Protocol No.1 (protection of property) about the non-enforcement of judgments in their favour. They further refer to Article 13 (right to an effective remedy).

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**Huseynova v. Azerbaijan** (no. 12977/14)

**Rzayev v. Azerbaijan** (no. 30096/12)

**Samadov v. Azerbaijan** (no. 52101/13)

**Mladost Turist A.D. v. Croatia** (no. 73035/14)

**Ciora v. Romania** (no. 59800/15)

**Duca v. Romania** (no. 14565/16)

**Hristea v. Romania** (no. 56338/15)

**Molnar and Others v. Romania** (no. 49352/14 and 25 other applications)

**Achilov and Others v. Russia** (nos. 45075/15, 31553/16, 39854/16, 1931/17, 4215/17, 9848/17, and 11144/17)

**Dmitriyev v. Russia** (no. 65263/09)

**Khromov and Others v. Russia** (nos. 8431/06, 26661/10, 892/11, 8328/11, 35818/11, 46643/11, 51447/11, 64390/11, and 67670/13)

**Kokhanova and Others v. Russia** (nos. 67520/10, 59847/14, 62271/14, 63688/14, 19677/16, 73599/16, and 1050/17)

**Loginov and Others v. Russia** (nos. 14925/16, 21849/16, 33535/16, 52089/16, 53618/16, 1335/17, and 1869/17)

**Malygin and Others v. Russia** (nos. 55427/13, 61460/15, 77902/16, 77915/16, 78118/16, 79616/16, and 3482/17)

**Paramonov and Others v. Russia** (nos. 74986/10, 45145/12, and 54214/14)

**Pavlovskiy v. Russia** (no. 5207/06)

**Popov and Others v. Russia** (nos. 33361/16, 34396/16, 38199/16, 38411/16, 38485/16, 39313/16, and 39443/16)

**Razumov and Others v. Russia** (nos. 65197/16, 65201/16, 65203/16, 65236/16, 73751/16, 75330/16, 5084/17, 10425/17, 17798/17, and 17804/17)

**Smirnov and Others v. Russia** (nos. 17883/16, 19624/16, 21838/16, 22411/16, 42277/16, 46855/16, 64466/16, 65233/16, 2224/17, and 4208/17)

**Solonenko and Others v. Russia** (nos. 50407/10, 52703/14, 62071/15, 749/16, and 52081/16)

**Tsekhmister and Others v. Russia** (nos. 17840/07, 7953/09, 33386/10, 33388/10, 6160/11, 31081/11, 45937/11, 47524/11, and 48134/13)

**Yakovlev and Others v. Russia** (nos. 64119/13, 53696/16, 79163/16, 13362/17, 16305/17, 18289/17, and 18877/17)

**Petrović v. Serbia** (no. 14872/07)

**Varjačić and Others v. Serbia** (nos. 2084/15, 21803/15, and 26884/15)

**Dönmez and Others v. Turkey** (no. 19258/07)

**Oktar v. Turkey** (no. 59040/08)

**Grytsenko and Others v. Ukraine** (nos. 56576/08, 21916/09, 54466/09, and 26724/17)

**Surzhanov and Others v. Ukraine** (nos. 6086/13, 77710/14, 1696/16, and 79236/16)

**Usov v. Ukraine** (no. 15963/10)

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.