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 12 judgments on Tuesday 26 March 2019 and 88 judgments and / or decisions on Thursday 28 March 2019.

*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 26 March 2019

Haghilo v. Cyprus (application no. 47920/12)

The applicant, Mustafa Haghilo, is an Iranian national who was born in 1973 and is currently living in Armenia.

The case concerns his detention pending deportation for over 18 months in three Cypriot police stations.

Mr Haghilo left Iran in March 2011 and entered Cyprus unlawfully. Shortly after, he was arrested at Larnaca airport when trying to take a flight to London on a forged passport and was placed in detention.

In April 2011 the Ministry of the Interior informed him of a decision to deport him because he was an illegal immigrant. From then, he was kept in holding facilities for immigration detainees at three different police stations. He was released in October 2012 because he had not been deported within the 18-month time-limit under the relevant European Union directive, as transposed into domestic law.

He had previously been briefly released after a court hearing by the Supreme Court in December 2011 because it found that his detention had been unlawful as of October 2011, but was immediately rearrested when leaving the court and detained on the same grounds as the previous deportation orders against him.

Mr Haghilo challenged the lawfulness of the new detention and deportation orders with the Supreme Court, but his recourse was dismissed in July 2012. The Supreme Court upheld that judgment in 2018 on appeal, noting that he had in the meantime left Cyprus for Armenia of his own free will and no longer had any legitimate interest in pursuing his appeal.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Haghilo complains that he was held in inadequate conditions in facilities which were not designed for prolonged detention.

Also relying on Article 5 §§ 1 and 4 (right to liberty and security), he alleges that his detention from April 2011 to October 2012 was unlawful and that he did not have an effective remedy at his disposal to challenge the lawfulness of his detention.

Velečka and Others v. Lithuania (nos. 56998/16, 58761/16, 60072/16, and 72001/16)

The applicants, Saulius Velečka, Norbertas Tučkus, Audrius Petkauskas, and Tadas Petrošius, are Lithuanian nationals who were born in 1971, 1975, 1974, and 1981 respectively. They are currently serving prison sentences in Marijampolė and Kybartai Correctional Facilities (Lithuania) for their involvement in organised crime and drugs offences.

The case principally concerns the four applicants' complaints about their pre-trial detention for almost five years.

They were arrested in January 2013 on suspicion of possessing and distributing large amounts of narcotic and psychotropic substances via organised crime.

They were placed in detention on remand, which was extended every two or three months by the courts because of the risk of the applicants absconding and/or reoffending. The courts based these decisions on the seriousness of the charges against them, taking into account any prior convictions or connections abroad and whether they were unemployed. During the pre-trial investigation, which lasted for almost a year and six months, the courts also relied on the need to carry out additional investigative actions, which included multiple requests for assistance from abroad to obtain evidence.

Their case was sent for trial in July 2014. Following 41 hearings involving 13 accused and 85 witnesses and including numerous adjournments or cancellations mainly for procedural reasons, the applicants were convicted in December 2017 of, in particular, organising or leading a criminal organisation and various drugs offences. Mr Velečka was sentenced to 14 years and six months' imprisonment, while the other three applicants were given 13-year sentences.

The proceedings are still pending on appeal.

Relying on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial), the applicants complain that the length of their pre-trial detention was excessive. They also complain under Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy) about the lack of conjugal visits during their detention.

Just Satisfaction

Berdzenishvili and Others v. Russia (nos. 14594/07, 14597/07, 14976/07, 14978/07, 15221/07, 16369/07, and 16706/07)

The case concerns the question of just satisfaction with regard to violations of the European Convention suffered by Georgian nationals who were subjected to an administrative practice of arrest, detention and expulsion in October 2006.

In its principal judgment the Court found that 14 of the 19 applicants had suffered a violation of Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens).

It also held that 13 of them had faced a breach of their rights under Article 5 §§ 1 and 4 (right to liberty and security / right to have lawfulness of detention decided speedily by a court), Article 3 (prohibition of inhuman and degrading treatment); and Article 13 (right to an effective remedy) in conjunction with Article 3.

It delayed a decision on just satisfaction pending a ruling on the same issue by the Grand Chamber in *Georgia v. Russia (I)* related to a large number of other Georgian applicants. The Grand Chamber delivered its just satisfaction decision in January 2019.

The Court will deal with this question in the case of *Berdzenishvili and Others v. Russia* in its judgment of 26 March 2019.

The Grand Chamber established in the inter-State case that during the period from the end of September 2006 to the end of January 2007, identity checks of Georgian nationals residing in Russia were carried out. Many were subsequently arrested and taken to police stations. After a period of custody, they were grouped together and taken by bus to a court, which summarily imposed administrative penalties on them and gave decisions ordering their administrative expulsion from Russian territory. Subsequently, some were taken to detention centres for foreigners where they were detained for varying periods of time, then taken by bus to various airports, and expelled to Georgia by aeroplane. Others left Russian territory by their own means.

Valyuzhenich v. Russia (no. 10597/13)

The applicant, Mikhail Valyuzhenich, is a Russian national who was born in 1985 and is currently detained in St Petersburg (Russia).

The case concerns his complaint about his confinement in a metal cage during criminal proceedings against him.

In March 2012 the Sovetskiy District Court of Kazan found the applicant guilty of involvement in large-scale drug dealing. During the trial, which consisted of 16 hearings, Mr Valyuzhenich was confined in a metal cage in the courtroom. There was no desk inside the cage, which made it impossible for him to take notes during the hearings. His lawyer could only approach him with the court's permission. Any conversations between them had to take place in the presence of the guards.

The Supreme Court of the Tatarstan Republic upheld Mr Valyuzhenich's conviction on appeal. In the hearing he participated by video-conference. He was placed behind a metal partition in the remand prison where he was being detained and communicated with the judges via a video-link.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Valyuzhenich complains that his confinement in a metal cage during the criminal proceedings against him violated his rights. He further complains under Article 13 (right to an effective remedy) that he had no effective domestic remedy in respect of his grievance under Article 3. Relying on Article 6 §§ 1, 2, and 3 (b) and (c), (right to a fair trial / presumption of innocence / right to adequate time and facilities for preparation of defence / right to legal assistance of own choosing), Mr Valyuzhenich further alleges that the principle of the presumption of innocence was not respected and that he was not given an opportunity to take notes and confer with his lawyer in private.

Revision

Gümrükçüler and Others v. Turkey (no. 9580/03)

The 34 applicants are Turkish nationals who were born between 1922 and 1996 and live in Turkey.

The case concerned the annulment of titles to land belonging to the applicants and the registration of the land in the name of the State Treasury, without payment of compensation, on the grounds that the land had previously been part of the public forest estate.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair hearing within a reasonable time), the applicants complained about being deprived of their plots of land, classified as forest areas, without compensation. They also complained about the length of the proceedings.

In its principal judgment of 26 January 2010 the Court held that there had been a violation of Article 1 of Protocol No. 1 and of Article 6 § 1.

In a judgment on just satisfaction delivered on 7 February 2017 the Court decided to award the applicants jointly 17,000 euros (EUR) for the non-pecuniary damage sustained on account of the violation of Article 1 of Protocol No. 1, and EUR 2,500 in respect of costs and expenses.

On 23 August 2017, under Rule 80 of the Rules of Court, the applicants' representative lodged a request for revision of the judgment on just satisfaction. He requested that the names of five applicants who had died, and the heir of one of the applicants who had died previously, be replaced by the names of their legal heirs.

Revision

Kar v. Turkey (no. 25257/05)

The applicant, Hasan Kar, is a Turkish national who was born in 1946 and lives in Trabzon. He complained of the annulment of his title to a plot of land and its transfer to the State Treasury without compensation. He relied on Article 1 of Protocol No. 1 (protection of property).

In its principal judgment of 29 March 2011 the Court found a violation of that provision.

In its judgment of 21 November 2017 on just satisfaction the Court decided to strike out the part of the application concerning Mr Kar's claim for compensation in respect of pecuniary damage. It also held that Turkey was to pay the applicant EUR 5,000 in respect of non-pecuniary damage.

On 9 April 2018 the representative of the applicant's heirs informed the Court that the applicant had died on 22 December 2016. Under Rule 80 of the Rules of Court he requested that the judgment on just satisfaction be revised and that the applicant's name be replaced by the names of his heirs.

Anoshina v. Russia (45013/05)

The applicant, Yelena Alekseyevna Anoshina, is a Russian national who was born in 1956 and lives in Nizhniy Novgorod.

The case concerns the murder of the applicant's brother by a police officer while he was being held in a police sobering-up centre and the subsequent investigation.

The applicant's brother, Aleksandr Alekseyvich Anoshin, 51, was stopped by police in July 2002 and was taken to a police sobering-up centre. He later began to bang on the door of the room he was being held in and asked to be released. A police officer, M., pushed him, punched him and eventually throttled him with a piece of wood. He died later in the evening. The investigation lasted four years, with Officer M. only being interviewed in 2006. He was eventually prosecuted and sentenced to 14 years in prison in 2008. Neglect of duty charges against two other officers were dropped as time-barred. In May 2009 the applicant and three of Mr Anoshin's children were awarded 150,000 Russian roubles (approximately EUR 3,400) for the emotional distress caused by the crime.

Relying on Article 2 (right to life), the applicant complains about the murder of her brother by an agent of the State and of the lack of an effective investigation into that crime. She also complains under Article 3 (prohibition of inhuman and degrading treatment) that she suffered personal anguish owing to her long search for the truth about her brother's death.

Thursday 28 March 2019

Kereselidze v. Georgia (no. 39718/09)

The applicant, Irakli Kereselidze, is a Georgian national who was born in 1975. The case concerns his complaint about the manner in which the starting date of a cumulative sentence imposed on him was calculated.

In March 2002, while serving a 20-year sentence for aggravated double murder, he attempted to escape.

After a series of decisions, he was convicted in April 2006 of attempted escape. His outstanding sentence from the murder conviction was added to the new sentence, resulting in a cumulative sentence of 13 years and six months, with a starting date of March 2002, namely the date on which he had committed the second offence. In 2008, while proceedings regarding his second conviction were pending before an appellate court, the Supreme Court confirmed the starting date of the cumulative sentence as part of its decision to reduce the length of his first sentence for aggravated double murder. That sentence was to expire in September 2010.

However, in April 2009, following a legislative amendment, the Court of Appeal, in a written procedure, rectified the starting date of the cumulative sentence to April 2006, that is to say the date of the imposition of the sentence for the second offence. The Supreme Court upheld this decision, stating that Mr Kereselidze's sentence was due to expire in April 2013. Mr Kereselidze became aware of the rectification in question after the Supreme Court reached its final decision.

He subsequently requested a rectification of the Supreme Court's decision and lodged an interlocutory appeal on points of law, arguing that the change to the starting date for his cumulative sentence lacked a legal basis and had substantially affected the duration of his sentence. Both challenges were unsuccessful.

He was amnestied and released from prison before his sentence was due to expire, in January 2013.

Relying on Article 5 § 1 (right to liberty and security), Mr Kereselidze complains that the decision to rectify the starting date of his cumulative sentence unduly prolonged his imprisonment beyond September 2010, and rendered his detention unlawful. He also alleges, under Article 6 § 1 (access to court) and Article 13 (right to an effective remedy), that he was not given the opportunity to make either oral or written submissions regarding the rectification procedure, despite the substantial impact the change in starting date had had upon the duration of his sentence.

Eiseman-Renyard and Others v. the United Kingdom (nos. 57884/17, 57918/17, 58019/17, 58326/17, 58333/17, 58343/17, 58377/17, and 58462/17)

The applicants, Hannah Eiseman-Renyard, Brian Hicks, Edward Maltby, Patrick McCabe, Deborah Scordo-Mackie, Hannah Thompson, Daniel Randall and Daniel Rawnsley, are variously British, Irish and British/Spanish nationals. They were born in 1986, 1967, 1987, 1987, 1992, 1989, 1987, and 1988 respectively and live in London.

The case concerns the applicants' complaint about their arrest and detention for several hours on 29 April 2011 at various places in central London to prevent a breach of the peace during the Duke and Duchess of Cambridge's wedding. On that day large numbers of foreign royalty and other heads of state were in London, thousands of citizens were expected and the threat level from international terrorism was assessed as 'severe'. The police had received intelligence that activities were planned to disrupt the celebrations.

The applicants were taken to different police stations and released without charge once the royal wedding was over. Their periods of custody ranged from about two and half to five and a half hours.

Brian Hicks, active in republican politics, had wanted to attend a "Not the Royal Wedding" street party in Red Lion Square.

Hannah Eiseman-Renyard and Deborah Scordo-Mackie had intended to take part in a "zombie picnic". According to information received by the police, those dressed as zombies would attempt to throw maggots as confetti at the royal wedding procession.

The other applicants had planned to participate in a republican protest in Trafalgar Square.

Most of the applicants had no previous convictions or cautions.

The applicants sought judicial review of their detention which was heard over three instances terminating in 2017 in the Supreme Court.

The applicants argued before the Supreme Court that preventive detention was not compatible with the European Convention, as found by the European Court of Human Rights in a Chamber judgment of 2013 (*Ostendorf v. Germany*, no. 15598/08).

The Supreme Court considered that the Strasbourg case-law on preventive detention was not clear. It agreed with the concurring opinion of two of the judges in *Ostendorf* that the majority had

interpreted Article 5 (right to liberty and security) of the Convention too strictly in the case and that preventive detention could be compatible with Article 5 in certain circumstances.

It concluded that there had been nothing arbitrary about the decisions to arrest and detain the applicants and dismissed their appeals.

Relying on Article 5 § 1 (b) and (c) (right to liberty and security), the applicants complain that their arrest and detention was disproportionate and could not be justified.

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.

Tuesday 26 March 2019

Name	Main application number
Dmitrieva v. the Republic of Moldova	28347/08
Konyayev v. Russia	9759/09
Makarova and Others v. Russia	53545/13
Meshengov v. Russia	30261/09
Şeker v. Turkey	275/12

Thursday 28 March 2019

Name	Main application number
Myrtaj and Others v. Albania	62907/16
Ahmadov and Others v. Azerbaijan	3225/10
Babayev v. Azerbaijan	4940/10
Citizens Labour Rights Protection League v. Azerbaijan	23551/08
Madatov v. Azerbaijan	29656/07
Valiyev v. Azerbaijan	14722/08
H.G.S. v. Belgium	26763/18
Elezović v. Croatia	42353/13
Přibil v. the Czech Republic	78612/12
Borodulin v. Estonia	31656/17
Exetam Naxos and Naxu Etablissement v. Greece	43042/11
Gavriilidou v. Greece	53987/13
Gulácsiné Somogyi and Others v. Hungary	53490/14
Kovács and Others v. Hungary	37163/14
Mágori and Others v. Hungary	52610/15
Szabó and Others v. Hungary	37795/16
Tóthné Major and Others v. Hungary	78492/17
Varga and Others v. Hungary	25939/16
Capozzi and Others v. Italy	11543/04
Ricci and Others v. Italy	43420/06
Baban and Others v. the Republic of Moldova	3282/12
Bulgacov and Others v. the Republic of Moldova	54187/15
Cobîlceanu and Others v. the Republic of Moldova	72239/16

Codreanu and Others v. the Republic of Moldova	22927/09
Filat and Others v. the Republic of Moldova	11657/16
Grigoraș and Others v. the Republic of Moldova	25435/18
Talambuţa and Others v. the Republic of Moldova	23151/09
V.B. v. the Republic of Moldova	59958/10
Sedlovski v. North Macedonia	56273/14
Adamkowski v. Poland	57814/12
Biskupek v. Poland	39646/16
Dolata v. Poland	74409/16
Lipiec v. Poland	40448/15
Pawełkowicz v. Poland	62105/14
Pilawa v. Poland	72257/12
Podsiadły v. Poland	3156/17
Porzycki v. Poland	46523/17
Simiński v. Poland	57746/16
Fernandes de Magalhães v. Portugal	33568/12
A.H. v. Portugal	70531/17
Ababei and Others v. Romania	42928/15
Ciauș v. Romania	52941/15
Diaconu and Others v. Romania	50544/13
Gomboc v. Romania	21036/16
Markus and Bejera v. Romania	35995/15
Palade and Apostu v. Romania	77206/14
Romanian Musical Performing and Mechanical Rights Society and Others v. Romania	70937/14
Scurtu-Irimia v. Romania	71805/14
Stelea and Others v. Romania	71567/14
Stoica v. Romania	21215/16
Szasz and Others v. Romania	44593/15
Boyko and Others v. Russia	21891/12
Demin and Others v. Russia	72783/17
Dubovets v. Russia	30423/16
Eskiyev and Others v. Russia	33374/11
Khanin and Lukmanov v. Russia	65378/10
Konshin and Others v. Russia	37659/16
Krekotnev and Others v. Russia	34140/17
Kryukov v. Russia	15034/11
Mosyagin and Anoshkin v. Russia	34893/09
Safiullin v. Russia	65526/11
Seldinov v. Russia	23783/10
Solodushchenko and Demin v. Russia	76161/12
Vasilyev and Others v. Russia	35949/17
Arsić v. Serbia	15039/18
Đikić v. Serbia	79210/16
Milanković v. Serbia	43204/16
Sretenović and Others v. Serbia	55170/16
Vuković v. Serbia	51218/16

Akçay v. Turkey	27328/11
Aksoy v. Turkey	47585/16
Anter v. Turkey	8340/07
Arat v. Turkey	9986/08
Bıçaklı v. Turkey	36680/11
Biçer and Others v. Turkey	48670/07
Dalmış v. Turkey	38325/15
Durak v. Turkey	36105/17
Duruman v. Turkey	36640/09
Hattatoğlu v. Turkey	36895/09
Hezer v. Turkey	24284/11
İmak v. Turkey	12397/10
Karahan v. Turkey	23405/09
Kılıç v. Turkey	29601/05
Minchev and Kumpikova-Mincheva v. Turkey	72415/10
Tekin v. Turkey	26794/10
Tümkaya v. Turkey	11915/12

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