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 six judgments on 29 March 2016 2016 and 29 judgments and / or decisions on 31 March 2016.

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

Tuesday 29 March 2016

Paić v. Croatia (application no. 47082/12)

The applicant, Zoran Paić, is a Croatian national who was born in 1974 and lives in Šibenik (Croatia). The case concerns his complaint that he was not given the opportunity to question the only prosecution witness in criminal proceedings against him.

In September 2005 Mr Paić was questioned by an investigating judge on suspicion of having stolen a mobile phone from a Czech tourist in Croatia in the summer of 2005. He denied the charges. In response to a request for international legal assistance from the Croatian prosecuting authorities, a court in the Czech Republic, in June 2006, heard as a witness the person from whom the mobile phone had allegedly been stolen. She stated that during her family's holiday in Croatia in July 2005 her children had thrown water-filled balloons at Mr Paić. He had then approached the house where they were staying and she had seen him steal her mobile phone from a table on the terrace. She had followed him to his house and asked him to return the phone to her, but he had denied taking it.

In November 2006 Mr Paić was indicted. Throughout the trial he challenged the allegation against him, maintaining that, although there had been a dispute between him and the tourist over the behaviour of her children, he had not stolen her mobile phone. In October 2010 the trial court decided to admit the record of the questioning of the witness and it convicted Mr Paić as charged. He was sentenced to four months' imprisonment, suspended for one year. The conviction was based solely on the evidence given by the witness. His appeal against the judgment was dismissed and, in December 2011, his constitutional complaint was declared inadmissible.

Mr Paić complains that his trial was unfair in that he was not given any opportunity to question the witness against him, in breach of Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses) of the European Convention on Human Rights.

Okolisan v. the Republic of Moldova (no. 33200/11)

The applicant, Pavel Okolisan, is a Serbian national who was born in 1957 and lives in Wiener Neustadt (Austria). The case concerns the conditions of his pre-trial detention in Moldova.

Following his arrest in Hungary, Mr Okolisan was extradited to Moldova in January 2011 on suspicion of having defrauded a company registered in Moldova. He submits that the conditions in the prison where he was detained between 21 January and 23 August 2011 were inhuman. In particular, during the first month he was held in a cell for prisoners with medical problems, as he had complained upon his arrival of pain due to his prostate cancer and of his hypertension. As 15 other inmates with various illnesses were placed in the same cell, he was afraid of contracting other illnesses. After the first month he was transferred to another cell in the basement, which was damp and cold, infested with insects and rats, and had no direct access to daylight. Furthermore, water was not always available; there was no toilet, so that detainees had to use a bucket as a toilet; most detainees

smoked in the cell; and the food was insufficient and/or inedible. He did not receive the medical treatment required by his condition. As a result, his state of health worsened so that he could no longer control urination, wetting himself as a consequence and thus having to endure additional humiliation.

According to the Moldovan Government: the cells where Mr Okolisan was placed had a window and ventilation, a washbasin and a toilet separate from the rest of the cell; cells were regularly disinfected; tap water was available at most times; and hot food was served three times a day.

Mr Okolisan appealed against his detention orders and the extension of his detention on several occasions, referring in particular to his state of health. On 23 August 2011 his detention was replaced with house arrest.

Mr Okolisan complains that he was detained in inhuman conditions and was not given appropriate medical assistance, in violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention. Furthermore, he alleges a violation of Article 13 (right to an effective remedy), complaining that he did not have an effective remedy available at domestic level in respect of his complaints under Article 3.

Kocherov and Sergeyeva v. Russia (no. 16899/13)

The applicants, Vitaliy Kocherov and Anna Sergeyeva, father and daughter, are Russian nationals who were born in 1966 and 2007 respectively and live in St Petersburg. The case concerns their complaint about the restriction of Mr Kocherov's parental authority on account of his disability.

Mr Kocherov has a mild mental disability. Between 1983 and January 2012 he lived in a neuropsychological care home in St Petersburg. In 2007 he married a woman who was also a resident of the care home and had been deprived of her legal capacity on account of her mental disability. In May 2007 she gave birth to their daughter Anna, who in July 2007 was placed in a children's home as a child without parental care. In August 2007 Mr Kocherov was registered as her father. He gave his consent for her to stay at the children's home until it became possible for him to take care of her. Throughout her stay there he maintained regular contact with her.

In 2008 the marriage between Mr Kocherov and his wife was declared void on account of her legal incapacity. In February 2012 Mr Kocherov was discharged from the care home and moved into a social tenancy flat which had been provided to him at his request. In the meantime, he informed the children's home of his intention to take his daughter into his care once he was discharged and had moved into his flat. The children's home applied to a district court to have his parental authority restricted. In the proceedings before the court, the representatives of the children's home submitted, in particular, that the child had difficulties communicating with her parents and that she felt anxiety and stress in their presence. Mr Kocherov submitted, in particular, an export report which had been prepared with a view to determining whether he could be discharged from the care home and which concluded that his state of health enabled him to fully exercise his parental authority. Furthermore, he submitted a report by the custody and guardianship authority which found the conditions in his flat to be appropriate for his daughter.

In March 2012 the district court decided to restrict, for the time being, Mr Kocherov's parental authority over his daughter. It notably found that at the time it would not be in the best interest of the child to be taken into his care, relying in particular on the submissions by the representatives of the children's home. Mr Kocherov's appeal against the judgment was dismissed.

After having lodged his application with the European Court of Human Rights, the restriction of Mr Kocherov's parental authority – who in the meantime had remarried his wife after her legal capacity had been restored – was eventually repealed in April 2013. His daughter has been living with him ever since May 2013.

Relying on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination) in conjunction with Article 8, the applicants complain that the restriction of Mr Kocherov's parental authority violated their right to respect for their family life and was discriminatory.

Gómez Olmeda v. Spain (no. 61112/12)

The applicant, Jorge Gómez Olmeda, is a Spanish national who was born in 1967 and lives in Plasencia (Spain). The case concerns his complaint that he was not able to defend himself in open court in the appeal hearing in his case.

In January 2011 Mr Gómez Olmeda was convicted of serious disobedience to public authority and sentenced to six months' imprisonment by a first-instance court. At the same time he was acquitted of other charges against him, including the charge of false accusation of a crime and defamation. The judge found it established that, as the webmaster of an Internet forum in which defamatory statements about certain individuals – the claimants in the proceedings against him – had been published, Mr Gómez Olmeda had deliberately disregarded the request by the police not to alter those statements. Instead he had removed the forum webpage altogether. As regards the charge of false accusation of a crime, the judge found that there were reasonable doubts as to whether Mr Gómez Olmeda had been aware of the statements in question before he was interviewed by the police and that he should therefore be acquitted in that regard. It was also not proven that he had protected the individuals who had made the defamatory statements, as had been alleged by the prosecution.

Both the prosecution and the defence appealed against the judgment before the *Audiencia Provincial* ("the appeal court"). Mr Gómez Olmeda did not request a hearing, nor did the appeal court order one. Instead, the court watched a video recording of the trial before the first-instance court.

In May 2011 the appeal court upheld Mr Gómez Olmeda's conviction for serious disobedience to public authority. In addition it found him guilty of continuous and false accusation of a crime. He was given a daily fine of 15 euros for a period of 18 months in addition to the prison sentence and ordered to pay damages. The appeal court stated that it had relied on the facts established by the first-instance judge as well as on the testimony by the complainants, by Mr Gómez Olmeda and by the witnesses in the trial before the first-instance court. In particular, as opposed to the first-instance judge, the appeal court found that Mr Gómez Olmeda had been aware of the insulting statements – which were directed against clearly identifiable individuals and imputed crimes, such as sexual assault, to them.

Mr Gómez Olmeda's request to have the proceedings before the appeal court declared void was dismissed. His *amparo* appeal with the Constitutional Court, complaining that he had been convicted without being given the opportunity to plead his case in open court, was declared inadmissible in March 2012.

Mr Gómez Olmeda complains that his conviction on appeal, without being heard in person by the appeal court, of an offence of which he had been acquitted at first instance was in violation of Article 6 § 1 (right to a fair trial).

Gökbulut v. Turkey (no. 7459/04)

The applicant, Hasan Basri Gökbulut, is a Turkish national who was born in 1966; he was being held at Erzurum prison (Turkey) when he lodged his application.

The case concerns the inability of Mr Gökbulut, who was convicted of membership of a terrorist organisation, to examine or have examined witnesses whose statements were allegedly relied on for his conviction, and the lack of legal assistance in police custody.

On 19 May 2002 Mr Gökbulut was deported from Iran. On his arrival in Turkey the border guards noted that he was wanted for belonging to an illegal organisation, *Anadolu Federe İslam Devleti* (AFİD – meaning "Federative Islamic State of Anatolia"). He was taken into police custody and questioned by the police without a lawyer being present. During the interview Mr Gökbulut acknowledged that he was one of the main leaders of the AFİD; he subsequent confirmed his statement to the public prosecutor. He was remanded in custody and charged with belonging to, or aiding and abetting, an illegal armed organisation. At a hearing of 27 August 2002 in the Security Court, assisted by his lawyer, he retracted his confessions, denying the charges against him and claiming that he had been tortured in police custody. The judges asked the public prosecutor for copies of the statements of six other accused which had been taken in November 1998 in criminal proceedings concerning the same organisation. Mr Gökbulut's lawyer asked the Security Court to call as witnesses four of those accused, as they had named Mr Gökbulut as one of the leaders of the organisation, but the court refused. On 21 January 2003 Mr Gökbulut was sentenced to prison for 18 years and 9 months. In its reasoning the Security Court took into account, among other evidence, the statements of the six accused who had named Mr Gökbulut. Asserting that he had been deprived of his right to examine or have examined witnesses against him, Mr Gökbulut appealed on points of law, but the Court of Cassation upheld the judgment. In the context of proceedings concerning the rehabilitation of members of terrorist organisations, Mr Gökbulut's prison sentence was reduced to 12 years and six months, on 28 June 2005.

Mr Gökbulut complained about the judges of the Security Court to the Ministry of Justice, without success. He also filed a criminal complaint against the police officers who had questioned him, but the public prosecutor dropped the case.

Relying on Article 6 §§ 1 and 3 (c) and (d) (right to a fair trial / right to legal assistance / and right to examine witnesses), Mr Gökbulut complains about the lack of fairness in the proceedings on the ground that he was not assisted by a lawyer during his police custody or when appearing before the public prosecutor and the criminal court judge. He also argues that he was convicted without at any stage being able to examine or have examined witnesses whose testimony was allegedly relied upon for his conviction. Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Gökbulut complains that he was ill-treated during his police custody. Under Article 5 (right to liberty and security), he also complains that he was arbitrarily deprived of his liberty, that he was not informed of the reasons for his arrest or the charge against him, and that the length of his pre-trial detention was excessive, without there being any effective remedy in that connection.

The Court will give its ruling in writing on the following case, which concerns an issue which has already been submitted to the Court.

The ruling can be consulted from the day of its delivery on the Court's online database HUDOC.

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

Bulin v. Russia (no. 8681/06)

Thursday 31 March 2016

Karen Poghosyan v. Armenia (no. 62356/09)

The applicant, Karen Poghosyan, is an Armenian national who was born in 1969 and lives in Yerevan. The case concerns the quashing of a final judgment which recognised his ownership right in respect of a building and his right of use in respect of the plot of land where the building was located.

Mr Poghosyan had constructed the building in 1991 without permission on a plot of land of 1000 sq. m. in a suburb of Yerevan. In 2001 he brought court proceedings seeking the recognition of his

ownership right in respect of the building and of his right to use the plot of land. In June 2001, a district court granted his request. The judgment became final, as no appeal was lodged within the prescribed time-limit. In 2002 a certificate was issued by the authorities confirming Mr Poghosyan's ownership of the building and stating that he had a right of lease in respect of the plot of land. Following his payment of the cadastral value of the plot of land in 2003 his right of ownership of the land was registered and a relevant ownership certificate was issued. During the following years he regularly paid property tax on the building and the land.

In May 2009 the Deputy Prosecutor General and the Yerevan Mayor's office lodged separate appeals against the June 2001 judgment recognising Mr Poghosyan's ownership rights. They argued in particular that the district court had erred in its interpretation of the relevant provisions and that, since the court had failed to involve the Mayor's office and the local branch of the Real Estate Registry as parties to the proceedings, they had not been aware of the judgment. They therefore requested the appeal court to restore the time-limit for appeal.

In July 2009 the appeal court granted the appeals, and quashed the judgment of June 2001. Mr Poghosyan's appeal on points of law was declared inadmissible in September 2009. In subsequent proceedings his ownership rights in respect of the building and the plot of land were annulled.

Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), Mr Poghosyan complains that the renewal of the time-limit for appeal and the quashing of the final judgment of June 2001 violated the principle of legal certainty and his right to the peaceful enjoyment of his possessions.

Alexey Petrov v. Bulgaria (no. 30336/10)

The applicant, Alexey Iliev Petrov, is a Bulgarian national who was born in 1962 and lives in Sofia.

The case concerns a police operation that received wide media coverage.

In the 1980s Mr Petrov began his career in the Ministry of the Interior and was later member of the ministry's anti-terrorism intervention group. He obtained the grade of officer in the ministry. In 1992 he resigned from his post then exercised various activities in business, sport, higher education and associations. In 2001 he was recruited by the National Security Agency as an undercover agent and later became an expert. He left the Bulgarian security services in 2009.

Early in the morning of 10 February 2010 the special forces of the Interior Ministry launched a large-scale operation for the arrest of members of a mafia-type group suspected of organising and running a vast prostitution network and of being involved in extortion, embezzlement of public funds, racketeering, tax fraud and money laundering. The operation was nicknamed "Octopus" and received widespread media coverage. During the operation certain intervention teams were accompanied by cameramen and photographers. A number of photographs of arrested individuals were published in the press and on line.

Mr Petrov was arrested at his home during the police operation, on 10 February 2010. His arrest was filmed and the recording was passed on to the media, after which it was broadcast widely on TV channels and news websites.

On 12 February 2010 Mr Petrov was remanded in custody and on 13 October 2010 he was placed under house arrest. The charges against him gave rise to two sets of criminal proceedings. The first proceedings, concerning the charge of organising a group for the purposes of tax evasion, were closed on 27 February 2014. The second proceedings, encompassing a number of charges surrounding the organisation of a criminal group, extortion and disclosure of classified information, were still pending in September 2014.

The Minister of the Interior and other political leaders gave a number of interviews to the press on the subject of the police operation, as did the prosecutor general, his deputy, the head of the Sofia public prosecutor's office and one of the prosecutors responsible for the criminal investigation.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Petrov alleges that he was subjected to inhuman and degrading treatment during the police operation of 10 February 2010. Relying on Article 6 § 2 (presumption of innocence), he alleges that the remarks of a certain number of judges and politicians to the media during the criminal proceedings against him constituted unjustified breaches of his right to be presumed innocent. Under Article 8 (right to respect for private and family life), he complains that his arrest was filmed and that the recording was passed on to the media by the Interior Ministry's press unit.

Dimitar Yanakiev v. Bulgaria (no. 50346/07)

The applicant, Dimitar Pavlov Yanakiev, is a Bulgarian national who was born in 1936 and lives in Sofia (Bulgaria).

The case concerns the lack of enforcement by a regional governor of a final administrative court judgment in Mr Yanakiev's favour.

In 1997 Mr Yanakiev sought from the Sofia regional governor compensation for an apartment which had belonged to his ancestor at the time of its nationalisation in 1949. In 1998 Mr Yanakiev challenged the governor's lack of a response in court. The Sofia City Court delivered a judgment on 19 July 2005 in which it determined the amount of compensation due in respect of the property. The court also ruled that Mr Yanakiev was to receive compensation in the form of "housing compensation bonds". The judgment became enforceable on 6 September 2005.

On 26 June 2006 Mr Yanakiev sent to the regional governor a copy of the final judgment, asking him to act upon it. Instead of completing the procedure, the governor requested further documents. Mr Yanakiev provided some of them and explained why the outstanding paper was not necessary in his case.

In March 2007 Mr Yanakiev obtained a writ of execution in respect of the compensation owed to him on the basis of the final judgment in his favour. On 30 March 2007 he asked the bailiff to start forced enforcement proceedings. In April 2007 the bailiff twice invited the governor to comply with the final judgment or else risk being fined. As the governor did not complete the procedure, in March 2009, the bailiff asked him again to do so. As of April 2014 the final judgment in Mr Yanakiev's favour has remained unenforced.

Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), Mr Yanakiev complains that the final judgment in his favour has not been implemented.

Dzhabarov and Others v. Bulgaria (nos. 6095/11, 74091/11, and 75583/11)

The applicants, Deyan Dzhabarov, Vaska Nikolova and Stanislav Petkov (now deceased), are Bulgarian nationals who were born in 1975, 1962, and 1981 respectively. Mr Dzhabarov lives in Burgas and Ms Nikolova lives in Sandanski (both in Bulgaria). Following Mr Petkov's death in 2014, his mother has continued the application on his behalf. The case concerns the applicants' complaints that they were unlawfully detained by the police and that they were unable to obtain damages in that respect.

Travelling together in a car, Mr Dzhabarov and Mr Petkov were stopped by the police, arrested and taken to a police station in the early hours of the morning on 20 December 2007. The police issued orders for their detention for 24 hours on 20 December 2007 at 12 noon and 1.30 pm respectively, under the provisions of the Criminal Code criminalising burglary and theft (in Mr Dzhabarov's case) and robbery (in Mr Petkov's case). They were released on 21 December 2007 at 12 noon. In early 2008 both applicants brought proceedings for judicial review of the orders for their detention. In

each case, the administrative court quashed the respective order, finding that at the relevant time the police had not had a reasonable suspicion that the applicants had committed an offence. The judgments were upheld on appeal. Both applicants then brought claims for damages against the police in respect of their unlawful detention. In each case, their claims were dismissed on the ground, in particular, that they had failed to prove that they had suffered any non-pecuniary damage as a result of their detention.

Ms Nikolova, head of the audit unit of a local division of the National Revenue Agency, was taken to a police station on the morning of 9 September 2006 – a Saturday – after the police had found her in her office that morning with an acquaintance of hers, checking the personal data of certain individuals in the Agency's database. After being interviewed by the police – without being given any explanation for the reasons for her detention – she was released at about 3.40 pm the same day. Subsequent criminal proceedings against her, on charges that she had knowingly divulged confidential information to which she had access by virtue of her position as a tax administration official, were eventually discontinued. In 2010 Ms Nikolova brought a claim for damages against the police in respect of her allegedly unlawful detention. As in the case of the other two applicants, her claim was dismissed on the grounds, in particular, that she had failed to prove that she had suffered any non-pecuniary damage as a result of her arrest and detention.

Relying on Article 5 § 1 (c) (right to liberty and security), the applicants complain that their detention was unlawful and carried out without a reasonable suspicion that they had committed an offence. They further complain that the courts dismissed their claims for damages in respect of their police detention, in breach of Article 5 § 5 (right to compensation for unlawful detention).

Petrov and Ivanova v. Bulgaria (no. 45773/10)

The applicants, Anton Kirilov Petrov and Krasimira Ilcheva Ivanova, are Bulgarian nationals who were born in 1972 and 1979 and live in Sofia.

The case concerns two police operations which received wide media coverage.

In December 2009 the Interior Ministry launched an operation to stop a criminal group which had organised and carried out a number of kidnappings in Bulgaria. The high-profile police operation was nicknamed operation "Shameless". On 17 December 2009 Mr Petrov was arrested in that connection. On the day of his arrest, the Interior Ministry declared that Mr Petrov had taken part in the kidnappings and that he was one of those who had supplied vehicles for that purpose. The criminal proceedings against Mr Petrov were closed by a discontinuance decision of 17 August 2010.

In the context of another operation, named "Octopus", on 10 February 2010 at around 6 a.m., an intervention team from the Ministry of the Interior burst into the applicants' house and searched it without a warrant. According to the applicants, the inside of the house was filmed by a cameraman. On 11 February 2010 Mr Petrov was charged with participating in an armed criminal group engaging in the handling of stolen goods, tax fraud, prostitution and racketeering. On 12 February 2010 the Sofia criminal court remanded Mr Petrov and his presumed accomplices in custody. On 18 February 2010 the Court of Appeal decided to release Mr Petrov on bail.

Between February and October 2010 the Interior Ministry gave several statements to the media about operation "Octopus". Other politicians also gave statements. Between February and July 2010, the Prosecutor-General, his deputy, the public prosecutor of Sofia and the prosecutor responsible for the criminal investigation gave interviews to the media.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Ms Ivanova alleges that she was subjected to inhuman and degrading treatment when the police entered her home on 10 February 2010. Relying on Article 6 § 2 (presumption of innocence), Mr Petrov complains that the remarks of a number of politicians and public prosecutors breached his right to be presumed innocent. Under Article 8 (right to respect for private and family life), the two applicants also argue

that the media coverage of the search of their home was an unjustified breach of their privacy. Lastly relying on Article 13 (right to an effective remedy), they complain that there were no domestic remedies by which to seek redress for the violations of Articles 3, 6 § 2 and 8.

Stoyanov and Others v. Bulgaria (no. 55388/10)

The applicants are ten Bulgarian nationals, notably two brothers Plamen and Yordan Stoyanovi and their relatives, who were born between 1967 and 2007 and live in Sofia, together with ten Bulgarian companies controlled or run by the brothers and based in Sofia.

The case concerns a police operation which received wide media coverage.

On 10 February at around 6.30 a.m. in the context of operation "Octopus", one intervention team raided the house of Mr Yordan Stoyanov, his partner, their two minor daughters and their 18-year-old son. Around that time a second police team entered the building where Plamen Stoyanov had a flat and arrested him. All the applicants have said that they were shocked by the police intervention in their homes. On the same day between 6.30 a.m. and 9 a.m., investigating police officers carried out a search in each of the homes without the prior authorisation of a judge. Plamen and Yordan Stoyanovi were taken into custody for 24 hours in accordance with the law and, after that, were remanded in custody by the Sofia Criminal Court. On 18 February 2010 the Sofia Court of Appeal overturned that decision on the ground that the detention of Plamen and Yordan Stoyanovi had been illegal, on account of a lack of plausible reasons to suspect them of participating in a criminal organisation, and ordered their release.

On 27 February 2014 the criminal court decided to close the case, finding that it had remained at the preliminary investigation stage for over two years after Plamen and Yordan Stoyanovi were charged and that the public prosecutor had failed to pursue the proceedings within the additional time that had been granted to him.

Operation "Octopus" attracted the attention of the media. A number of newspapers published articles and various websites published photos. On 12 February 2010, before the examination of the request to remand the suspects in custody, the Interior Ministry gave statements to the press about the criminal proceedings against Plamen and Yordan Stoyanovi. Following the opening of the proceedings against Plamen and Yordan Stoyanovi, a commission initiated the procedure for the confiscation of their property. At the commission's request, the courts imposed a number of provisional measures in respect of various assets, shares in several companies and bank accounts belonging to the Plamen and Yordan Stoyanovi. In decisions of November 2013 and May 2014, the commission decided to discontinue those confiscation procedures. Lastly, all the provisional measures that had been imposed on the property of the applicants, both the individuals and the companies, were lifted by judicial decisions of November 2013, and May and September 2014.

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment), and 8 (right to respect for private and family life), eight of the applicants allege that they were subjected to degrading treatment when the police raided their respective homes on 10 February 2010, and that they were victims of a violation of their right to respect for their home and for their private life. Relying on Article 5 §§ 2 and 5 (right to be informed promptly of the charge/right to compensation), Plamen and Yordan Stoyanovi complain that they were not promptly informed of the reasons for their arrest and that they did not have the possibility of seeking compensation for the damage they sustained. Under Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), Plamen and Yordan Stoyanovi complain about a limitation of the subject-matter jurisdiction of the courts which ruled on the freezing of their assets. Relying on Article 6 § 2 (presumption of innocence), all the applicants complain of a breach of their right to be presumed innocent and their right to respect for their reputation. Lastly, under Article 13, the applicants argue that there are no effective domestic remedies by which to seek redress for the alleged violations of their right not to

be subjected to inhuman or degrading treatment and their right to respect for their home and for the enjoyment of their property.

Ursulet v. France (no. 56825/13)

The applicant, Alex Ursulet, is a French national who was born in 1957 and lives in Paris.

The case concerns the arrest of Mr Ursulet, a lawyer, on account of a number of road traffic offences and the subsequent measure of restraint to which he was subjected.

On 6 January 2006 Mr Ursulet was stopped while riding his moped by three police officers who told him that he had committed various traffic offences. When noticing that the vehicle registration document did not correspond to the numberplate, the officers arrested him and took him to the police station. Mr Ursulet was authorised to ride his moped to the station, followed by the officers on bicycles. According to Mr Ursulet the police officers had addressed him casually (using the "*tu*" form in French) when they stopped him and on arriving at the station they had provoked him verbally. He claims that he was insulted and handcuffed for parking in an area reserved for motorcycles rather than the space indicated by the officers. According to him the police officers had then manhandled him and taken him into the station, where he had been handcuffed to a radiator. After a certain time he was taken to another police building and placed in what he claims was a cell for persons in police custody. The handcuffs had only been removed when he was formally interviewed by a senior police officer. Mr Ursulet was then authorised to leave the premises, as the police officers decided not to take him into police custody but to pursue the matter in the form of preliminary enquiries.

On 7 January 2005 Mr Ursulet filed a criminal complaint against the police officers, complaining about the conditions of his arrest and the officers' behaviour. They, however, denied his allegations, stating that they had, on the contrary, acted professionally when faced with his belligerent attitude and verbal provocations. In the meantime, a manager had come forward as a witness to the altercation and confirmed the police officers' version. In a decision of 26 August 2011 the investigating judge discontinued the proceedings against the officers, as confirmed by the investigation division of the Court of Appeal on 24 January 2012. Mr Ursulet's appeal on points of law was dismissed on 19 March 2013. In addition, Mr Ursulet was fully acquitted in a judgment of 5 October 2012 of the Paris Court of Appeal, in the context of the criminal proceedings against him for false numberplates.

Relying on Article 5 § 1 (right to liberty and security), Mr Ursulet complains of an unlawful deprivation of liberty. Under Articles 3 (prohibition of torture and inhuman or degrading treatment) and 8 (right to respect for private and family life), he also complains about being handcuffed, which in his view was manifestly disproportionate and was intended to humiliate and offend him because of his status as a lawyer.

A, B and C v. Latvia (no. 30808/11)

The applicants, Ms A and Ms B, British nationals, and Ms C, a Latvian national, were born in 1992, 1995, and 1993 respectively and live in Latvia. The case concerns their complaint that the Latvian authorities failed to investigate their complaints of alleged sexual abuse by a sports coach.

According to the applicants, while enrolled in a State sports school in Riga, in 2008 and 2009, all of them minors at the time, they were sexually abused by one of the coaches with whom they trained. In particular they submit that: the coach requested that they attend the sauna fully undressed; he massaged two of them, touching their intimate body parts; he entered the changing room, touching – as if accidentally – the girls' intimate body parts; and, during a trip to a competition in Lithuania, he told one of the applicants that she would sleep in the same bed with him, which she refused to do.

Following a complaint by the mother of Ms A and Ms B, who are sisters, the police opened a criminal investigation in January 2010. In the course of the investigation, the police took statements from various individuals, including the applicants and their parents and other former students of the sports coach and their parents. In October 2010 the investigation was closed, the investigator concluding that it had revealed that the sauna sessions had been voluntary. The female students had attended the sauna fully undressed, either on their own initiative or because that was the general practice. The coach had massaged them at their request. The investigator could not establish that the coach had acted with a sexual purpose within the meaning of the relevant section (sexual abuse) of Latvian criminal law.

The appeal of the applicants' parents against that decision was dismissed, and their subsequent appeals to higher prosecutors were also rejected, the closure of the investigation being eventually confirmed by the chief prosecutor in February 2011. Two requests by the applicants' mothers to reopen the investigation – arguing that a psychologist's report, which found that two of the applicants had or might have suffered psychological trauma, constituted newly discovered facts – were dismissed. In the meantime, in civil proceedings the coach was ordered to pay the applicants the equivalent of between 140 and 430 euros' compensation for having violated their right to privacy.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life), the applicants complain that the authorities failed to investigate their complaints of sexual abuse by their coach.

Šantare and Labazņikovs v. Latvia (no. 34148/07)

The applicants, Lilija Šantare and Vladimirs Labazņikovs, are Latvian nationals who were born in 1960 and 1956 respectively and live in Riga. The case principally concerns their complaint about the covert interception of their telephone conversations in the context of an anticorruption investigation.

In April 2005 Mr Labazņikovs, who at the time was the owner of a chain of pharmacies, was questioned by two investigators of the Bureau for the Prevention and Combating of Corruption in the context of an investigation into allegedly unlawful activities of officials of the State Pharmacy Inspectorate. He subsequently arranged several meetings with one of the investigators outside the Bureau's premises. On one of those occasions he offered the investigator a one-time bribe and monthly payments in return for the cessation of any investigative activities concerning his business and the State officials connected with it. Mr Labazņikovs then called Ms Šantare, who was a board member of his company, asking her to withdraw cash from the company's account, which would be spent on "protection". Subsequently he gave the money to the investigator. The telephone conversations between Mr Labazņikovs and Ms Šantare were intercepted and recorded.

The Bureau for the Prevention and Combating of Corruption brought criminal proceedings for bribery against Mr Labazņikovs. It informed the prosecutor that Mr Labazņikovs' phone had been tapped and asked for the recordings to be included in the case file. Ms Šantare was later charged with abetting bribery. A request by Mr Labazņikovs' representative to have disclosed a document proving the lawfulness of the telephone interception was dismissed by the prosecutor, stating in particular that such a decision was not a procedural document and that it had been classified as a State secret.

In November 2005 the trial court acquitted Ms Šantare and convicted Mr Labazņikovs – who had pleaded guilty – of bribery. He was sentenced to two years' imprisonment, suspended. In October 2006 the judgment was partially quashed on appeal. Ms Šantare was found guilty and given a suspended sentence of one year's imprisonment, and the suspension of Mr Labazņikovs' prison sentence was revoked. Ms Šantare's appeal on points of law, arguing that the phone recordings should not have been admitted as evidence, was dismissed.

The applicants complain that the covert interception of their phone conversations was in violation of Article 8 (right to respect for private and family life, the home, and the correspondence). They further allege a violation of Article 6 § 1 (right to a fair trial) on account of a negative public statement made by the Minister of Justice about the first-instance decision in the applicants' case, which, according to the applicants, was prejudicial to the fairness of the ensuing appellate proceedings.

I.A.A. and Others v. the United Kingdom (no. 25960/13)

The applicants, I.A.A., Z.A.A., B.A.A., A.A.A. and A.M., are five Somali nationals who were born in 1994, 1996, 1995, 2001, and 2002 respectively and currently live in Addis Ababa (Ethiopia). The case concerns the refusal to grant them entry into the United Kingdom to join their mother.

The applicants' mother, a Somali national, has been married twice. She has 11 children, nine with her first husband, one with her second husband and one adopted niece. In 2004 the applicants' mother joined her second husband in the United Kingdom following his being granted refugee status in the country. Three of her children were subsequently granted entry clearance to join their mother in the UK: they are now 22, 19 and 12 years old. In granting leave to enter to the oldest and youngest child, the immigration courts notably found that the mother could not reasonably relocate to Ethiopia to care for her children as she would have no job and no means of survival there. The applicants, however, were left in the care of their mother's sister in Somalia. Their mother's sister then moved to Ethiopia with the eight children who had been left in her care, including the applicants, in 2006. She subsequently left Ethiopia to return to Somalia, leaving the children in the care of the eldest. This eldest child has also since left the children, who are currently being cared for in Ethiopia by I.A.A., the first applicant, since 2012.

In the meantime in 2007, the applicants' mother divorced her second husband. Two years later she attempted to bring the five children who are applicants in this case to the UK. The applicants thus applied for entry clearance to join their mother. In February 2009 the Secretary of State refused their application, finding that they did not meet the requirement of the relevant Immigration Rules.

The applicants appealed to the courts and, in a final decision of January 2012 by the Immigration and Asylum Chamber of the Upper Tribunal, their entry was refused. The Tribunal notably found that, although it was in the applicants' best interests to be allowed to join their mother in the UK and that their exclusion would constitute an interference with their right to private and family life under Article 8 of the European Convention, account had to be taken of the fact that their mother had decided to leave them in Somalia, knowing that the separation was likely to continue for the foreseeable future. Furthermore, she had allowed five years to pass before attempting to bring them to the UK, by which time they had long ceased to live together as a family unit with her.

Relying on Article 8 (right to respect for private and family life), the applicants complain about the refusal to grant them entry into the UK to be reunited with their mother.

Seton v. the United Kingdom (no. 55287/10)

The applicant, John Edward Seton, is a British national who was born in 1983 and is currently detained at HMP Whitemoor (England, UK). The case concerns his complaint about the admission of evidence of an absent witness at his criminal trial.

Suspected of having committed a murder on 31 March 2006, Mr Seton served a Defence Statement in April 2008 in which he alleged that another man, Mr Pearman, had murdered the victim. Mr Pearman had previously been convicted of serious drug and firearm offences and was, at the time of Mr Seton's statement, serving a prison sentence for murder. In July 2008 the police interviewed Mr Pearman about those allegations. He answered "no comment" to the questions asked. In subsequent phone conversations with his son and his wife he stated that he had never heard of

Mr Seton and denied any involvement in the murder. Both conversations were recorded, as was the practice for prisoners of Mr Pearman's security category.

At Mr Seton's trial for murder, which started in August 2008, Mr Pearman was asked to give evidence but refused to do so. At the request of the prosecution the judge ruled that the recordings of Mr Pearman's telephone conversations should be admitted in evidence. In addition to playing the tapes, the prosecution relied on further evidence, including evidence showing that Mr Seton and the victim had been involved in drug dealing together and that Mr Seton had been in debt to the victim. On 26 August 2008 the jury convicted Mr Seton of murder. He was sentenced to life imprisonment with a minimum term of 30 years.

In March 2010 the Court of Appeal dismissed Mr Seton's appeal. While the Court of Appeal found that the judge of the trial court could have compelled Mr Pearman to come to the court, it considered that "the prospect of any sensible evidence being given by him was, on any realistic view, nil." Moreover, the Court of Appeal found that in any event the evidence against Mr Seton, though circumstantial, was overwhelming. In particular: the only evidence of Mr Pearman's involvement had been Mr Seton's allegation; there was evidence that Mr Seton had been in debt to the victim and the victim had been pressing for payment, meaning that Mr Seton had had a motive to kill the victim; Mr Seton had made the allegation of Mr Pearman's involvement only very late during the investigation; Mr Seton had fled the country shortly after the murder; and the witness descriptions of the gunman seen near the scene of the crime matched Mr Seton but not Mr Pearman.

Mr Seton complains that the admission of the telephone recordings and the refusal of the trial judge to order that Mr Pearman be produced as a witness amounted to a violation of his rights under Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses).

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.

Staykov v. Bulgaria (no. 44742/09)
Kytiopoiia Lithografia Stylianos S. Koskinidis Avee v. Greece (no. 54992/10)
Echter v. Hungary (no. 2778/12)
Gal and Galne Szlicsany v. Hungary (no. 62654/11)
Gatto v. Italy (no. 19424/08)
Czainski v. Poland (no. 46895/12)
Peczkowski v. Poland (no. 30018/14)
Skubij v. Poland (no. 61920/14)
Solinski v. Poland (no. 59085/14)
Wieczorkowski v. Poland (no. 37539/14)
Azaryan v. Russia (no. 60791/08)
Ivanov v. Russia (no. 28304/10)
Shvalia and Kostycheva v. Russia (nos. 46280/14 and 75781/14)
Zhuzhgov v. Russia (no. 52973/08)
Gavrilovic v. Serbia (no. 52434/12)
Isaksson and Others v. Sweden (nos. 29688/09, 29766/09, 38097/09, and 54568/11)
Bayar v. Turkey (no. 37210/04)
Oleg Omelchenko v. Ukraine (no. 8040/11)

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