



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing one judgment or decision on Monday 4 April 2016, 13 judgments on Monday 5 April 2016 and 70 judgments and / or decisions on Thursday 7 April 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](http://www.echr.coe.int))*

### Monday 4 April 2016

**The Court will give its ruling in writing on the following case.**

This ruling can be consulted from the day of its delivery on the Court's online database [HUDOC](http://HUDOC).

**A.V. v. Estonia** (application no. 3853/14)

### Tuesday 5 April 2016

**Blum v. Austria (no. 33060/10)**

The applicant, Helmut Blum, is an Austrian national who was born in 1959 and lives in Linz (Austria), where he is a practising lawyer. The case concerns disciplinary proceedings against him.

In 2006 the investigating judge in a criminal case, in which Mr Blum was representing one of the defendants, informed the regional bar association that he suspected Mr Blum of double representation in the criminal proceedings. Following the judge's notice, the disciplinary council of the bar association initiated disciplinary proceedings against Mr Blum on suspicion of double representation and falsification of evidence.

In September 2007 the disciplinary council of the bar association held a hearing and adjourned proceedings, as in the meantime a preliminary criminal investigation had been opened against Mr Blum on suspicion of, in particular, attempting to aid the perpetrator and falsifying evidence. After the hearing, the disciplinary prosecutor applied for an interim measure. In December 2007, while the criminal proceedings against Mr Blum were pending, the disciplinary council of the bar association, without holding a hearing, withdrew his right to represent clients before the Linz courts in criminal cases as an interim measure. It held that, in view of the accusations against him, the measure was proportionate. Mr Blum's appeal against the measure was dismissed and his subsequent constitutional complaint was rejected by the Constitutional Court in December 2009.

In June 2011 Mr Blum was acquitted of all charges in the criminal proceedings, the judgment being eventually upheld on appeal in November 2011. Following his acquittal, the bar association lifted the interim measure prohibiting him from representing clients before the Linz courts in criminal cases.

In 2012 a hearing was held in the disciplinary proceedings, in preparation of which Mr Blum submitted statements denying that there was a case of double representation. In a decision of March 2013 the disciplinary council of the bar association found that he had acted in double representation in the criminal proceedings, as he had acted both in the interests of the defendant whom he represented and of the opposing party. At the same time the disciplinary council found that he had not knowingly falsified evidence. It imposed a fine of 1,000 euros on him. The Supreme Court dismissed his appeal on points of law in May 2004, while reducing his fine to 500 euros.

Mr Blum complains that the duration of the disciplinary proceedings and of the interim measure imposed on him was unreasonable, and that the disciplinary council did not hold an oral hearing before deciding on that measure against him. He relies on Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights.

#### [Körtvélyessy v. Hungary \(no. 7871/10\)](#)

The applicant, Zoltán Körtvélyessy, is a Hungarian national who was born in 1965 and lives in Budapest. The case concerns his complaint about the authorities banning a demonstration he had planned.

On 14 August 2009 the police authorities banned a demonstration Mr Körtvélyessy intended to organise the next day in Budapest, Venyige Street, to protest against the persecution of national radicalism. They notably found that there was no alternative route for the traffic in the neighbourhood, meaning that a demonstration would cause great disruption. Because of the ban, the demonstration did not take place.

Mr Körtvélyessy requested judicial review of the police decision. His complaint was, however, rejected on 19 August 2009 on the ground that the demonstration would have notably impeded traffic heading to the facilities located in Venyige Street, a dead end, and that the disruption might have extended to a major thoroughfare in the vicinity.

Relying in particular on Article 11 (freedom of assembly and association) of the European Convention, Mr Körtvélyessy alleges in particular that the sole reason for the ban – traffic disruption – was excessive, arguing that Venyige Street, with the service lane included, was wide enough to accommodate the expected 200 participants without major incident.

#### [Cazan v. Romania \(no. 30050/12\)](#)

The applicant, Ionuț Cazan, is a Romanian national who was born in 1979 and lives in Constanța (Romania).

The case concerns alleged ill-treatment inflicted by a police officer on Mr Cazan, a practising lawyer, while he was representing a client at a police station.

On 12 July 2010 Mr Cazan and his client attended the Constanța police station in order to study a file concerning a criminal investigation that had been initiated against his client. Mr Cazan submits that he was insulted by the police officer when he asked for explanations concerning the inclusion in the file of an order for the initiation of criminal proceedings which had not been served on his client; Mr Cazan and his client were also prevented from leaving the office, which had been locked by the police officer, because of Mr Cazan's refusal to sign a police record, dated six months previously, certifying that he had been notified of the ongoing criminal proceedings; the police officer also allegedly twisted his left ring finger while attempting to snatch away his telephone to prevent him from dialling the emergency number to secure his and his client's release from the premises; finally, the police officer tore up the proxy form mandating Mr Cazan to represent his client before the investigating authorities, and ordered him never to come back to his office. After the incident Mr Cazan went to hospital, where he was diagnosed with a sprained finger and traumatic injuries. On 13 July 2010 he lodged a complaint against the police officer for abusive conduct, unlawful imprisonment and insult. The police officer, who denied the facts during his hearing before the prosecution, also lodged a complaint against Mr Cazan for malicious falsehood and refusal to submit to the judicial authorities. On 23 August 2011 the prosecution dropped the case against the two persons in question. Under a final decision of 22 November 2011 the Court of Appeal dismissed Mr Cazan's complaint. On 30 July 2010, however, the police officer was withdrawn from the criminal investigation by decision of the prosecutor's office with the Mangalia court of first instance, at Mr Cazan's request.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Cazan complains that he was subjected to ill-treatment by a police officer while ensuring the legal representation of a client during a criminal investigation. He also complains of the lack of an effective investigation into his complaint.

Relying on Article 5 § 1 (right to liberty and security), he further complains that on 12 July 2010 he was unlawfully imprisoned in the police officer's office to force him to sign, against his will, a record drawn up by the latter.

[Lukats v. Romania \(no. 24199/07\)](#)

[Teodorescu v. Romania \(no. 33751/05\)](#)

The cases concern the domestic mechanism providing compensation for property taken over under the Treaty of Craiova of 1940.

The applicants are, Maria Lia Lukats and Guta Tudor Teodorescu, Romanian nationals who live, respectively, in Skokie (the USA) and Bucharest.

A compensatory mechanism for Romanian citizens whose immovable properties were confiscated without compensation under the Treaty of Craiova of 1940 was established in March 1998 under Law no. 9/1998. There have since been a number of successive legislative amendments impacting the functioning of this mechanism, the most recent being Law no. 164/2014 which provides for a five-year instalment payment plan and adjustment of the amounts granted as compensation in line with the consumer price index.

In August 1998 Ms Lukats lodged a request with the Bucharest Commission for Implementing Law no. 9/1998 seeking compensation for assets owned by her ancestors in provinces which were formerly part of Romania and were transferred to the Bulgarian State. The Commission issued a decision in April 2004 stating that she was entitled to approximately 123,500 euros (EUR) in compensation. Her entitlement was subsequently validated in February 2009 by the National Authority for Property Restitution. This decision mentioned that payment would be made in two annual instalments. She has not, however, to date received any compensation.

In April 1998 Mr Teodorescu made a similar request under Law no. 9/1998 and in December 2000 the Commission issued a decision proposing him compensation of approximately EUR 88,000. The compensation was eventually validated in August 2003 and paid out in November 2003, which at that time represented approximately EUR 54,000. In the meantime, Mr Teodorescu had brought judicial proceedings claiming adjustment of the compensation to take into account inflation. His general entitlement to have the amount of compensation adjusted was confirmed several times by the courts between 2002 and 2004. However, in February 2005 the Bucharest Court of Appeal found against Mr Teodorescu. The Court of Appeal notably found that he was not entitled to an adjustment for inflation because the compensation had been paid all at once and in the same year as it had been validated.

Relying on Article 1 of Protocol No. 1 (protection of property), Ms Lukats complains that she has not been able to obtain the compensation granted to her in 2004 and validated in 2009; and Mr Teodorescu complains that the authorities failed to issue and validate the decisions granting him compensation in good time and that the courts then refused his claim for an adjustment of the compensation in line with inflation. Also relying on Article 6 § 1 (right to a fair hearing within a reasonable time and access to court), Ms Lukats complains about the authorities' prolonged failure to deal with her compensation claim.

## Just Satisfaction

[Rozalia Avram v. Romania \(no. 19037/07\)](#)

The applicant, Rozalia Avram, is a Romanian national who was born in 1947 and lives in Arad (Romania).

The case concerns a building which formerly belonged to the Catholic diocese of Oradea and became State property under limitation legislation. Several apartments in the building were sold to the tenants, including Ms Avram. In 1998 the diocese applied to the domestic courts for restitution of the building, but its application was dismissed by the Timișoara Court of Appeal. The diocese then brought an action for cancellation of the contracts of sale of the apartments, which action was this time allowed by the same Court of Appeal.

Relying on Article 6 § 1 of the Convention (right to a fair trial), Ms Avram complained of an infringement of the principle of legal certainty on the ground that the Timișoara Court of Appeal had cancelled the contract of sale of her apartment, thus casting doubt on the previous decision of the same Court of Appeal. She also submitted that the cancellation of the contract of sale of her apartment had violated Article 1 of Protocol No. 1 to the Convention (protection of property).

In its principal judgment of 16 September 2014 the Court had found a violation of Article 6 § 1 of the Convention. It had also decided that the issue of the application of Article 41 (just satisfaction) was not ready for examination and postponed its assessment of that issue to a later date.

The Court will adjudicate on the aforementioned issue in its judgment of 5 April 2016.

[Svetlana Vasilyeva v. Russia \(no. 10775/09\)](#)[Trapeznikov and Others v. Russia \(nos. 5623/09, 12460/09, 33656/09, and 20758/10\)](#)

Both cases concern the applicants' complaints about the quashing of final domestic judgments in their favour by way of supervisory review, as in force between 2008 and 2012.

The applicant in the first case, Svetlana Gennadyevna Vasilyeva, is a Russian national who was born in 1978 and lives in Kaliningrad (Russia). In September 2007 the national courts decided in Ms Vasilyeva's favour in civil proceedings brought against her by a bank with regard to her house. The courts notably found that the house was her property and its sale could not be used to pay the debt of M., the person to whom she had given power of attorney for the purchase of the house. The judgment was upheld on appeal in December 2007 and became final. However, in August 2008 the judgment of September 2007 was quashed by the Presidium of the Kaliningrad Regional Court, which ordered the seizure of the house to pay M.'s debt to the bank. The Presidium, relying on a first-instance decision in 2006 in the criminal proceedings for fraud brought against M., found that although Ms Vasilyeva was registered as the official owner of the house, it had been bought with funds belonging to M.. The seizure of Ms Vasilyeva's house has been stayed pending the examination of her case before the European Court.

The applicants in the second case, Vladimir Trapeznikov, Vera Markova, Aleksandr Bychkov, Ivan Russkikh, Stefan Zhuravskiy, Aleksandr Skiba, and Sergey Ryabchikov, are Russian nationals who were born in 1940, 1928, 1947, 1940, 1942, 1943, and 1940 respectively and live in Georgiyevsk (Stavropol region), Barnaul, Stavropol, and Segiyev Posad (Moscow region) – all in Russia. All these applicants were claimants in civil proceedings: Mr Trapeznikov, Mr Bychkov, Mr Russkikh, Mr Zhuravskiy and Mr Skiba, who participated in the Chernobyl clean-up operation, sued the authorities for an inflation adjustment to their social benefits; Ms Markova and Mr Ryabchikov made claims in property disputes. In all of the applications, the first-instance courts found for the applicants, the judgments were upheld on appeal and they became enforceable. However, these judgments were subsequently quashed by the supervisory review courts on the grounds that they were contrary to the law or ill-founded. In particular, as concerned the applications concerning social benefits, the presidia found that the lower courts had failed to take into account the specific method

of indexation established by the Government for this particular category of social benefits. In the other two applications, the presidia concluded that the findings of the lower courts in favour of the applicants had been based on the retrospective application of the law.

Relying on Article 6 § 1 (right to a fair hearing / access to court) and Article 1 of Protocol No. 1 (protection of property), the applicants complain about the quashing of final judgments in their favour.

### [Vedat Dođru v. Turkey \(no. 2469/10\)](#)

The applicant, Vedat Dođru, is a Turkish national who was born in 1977 and lives in Istanbul (Turkey).

The case concerns Mr Dođru's placement in pre-trial detention and the prolongation of that detention, and also the fact that he was only released three days after the judicial decision ordering his release.

On 17 March 2009 a judge of the Erzurum Assize Court issued an arrest warrant against Mr Dođru on suspicion of involvement in attempts to bring about the secession of part of the national territory between 1993 and 1994. On 15 May 2009 Mr Dođru was arrested in Tuzla, a district of Istanbul located 1,200 km from the town of Erzurum, and brought before a criminal judge in Tuzla. The judge ascertained Mr Dođru's identity and placed him in pre-trial detention with a view to his appearance before the Erzurum Assize Court within 24 hours. On 12 June 2009 Mr Dođru's lawyer challenged the arrest warrant, mentioning that her client, who had been in detention since 15 May 2009, had still not been transferred to Erzurum; she requested his prompt transfer. On 25 June 2009 the Erzurum prosecutor asked his opposite number in Tuzla to accept Mr Dođru's submissions and to release him. On 26 June 2009 Mr Dođru was heard by the Kartal prosecutor and brought before the Kartal criminal court, which ordered his release. On the same day the Erzurum prosecutor's office, noting that a discontinuance decision had been given on 15 July 1994 regarding the facts with which Mr Dođru had been charged, decided to discontinue the proceedings. Mr Dođru was released on 29 June 2009.

On 7 July 2010 Mr Dođru brought an action for pecuniary and non-pecuniary damages, submitting that he had suffered damage on account of the length of his detention, which he deemed excessive, and his continued detention between 26 and 29 June 2009, which had been contrary to the decision of the Kartal criminal court. On 15 September 2011 the Kartal Assize Court found that the period of detention from 15 May 2009 to 29 June 2009 had been unlawful, and awarded Mr Dođru a sum of money in respect of the pecuniary and non-pecuniary damage which he had suffered. His appeal on points of law was dismissed on 27 May 2013.

Relying on Article 5 § 1 of the Convention (right to liberty and security), Mr Dođru complains about the fact that he was detained for 45 days even though the criminal court had placed him in pre-trial detention in order to guarantee his appearance before the Erzurum Assize Court within 24 hours. He also complains that he was not released until three days after the judicial decision ordering his release.

Relying on Article 5 § 3 of the Convention (right to be brought promptly before a judge), Mr Dođru complains that he was not placed in pre-trial detention by a judge authorised by law to exercise judicial power, on the grounds that the Tuzla criminal judge had failed to question him about the charges against him and had merely ascertained his identity in order to ensure that he was the person against whom the arrest warrant had been issued and ordered his detention with a view to his appearance before the competent judge or court. He also complains of the length of his pre-trial detention.

Further relying on Articles 5 § 4 (right to a speedy judicial decision on the lawfulness of his detention) and 5 § 5 (right to compensation in cases of unlawful detention), Mr Dođru complains of

the lack of an effective remedy against the decision to place him in pre-trial detention and the absence of a remedy enabling him to assert his right to compensation.

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.

**Aparecida de Oliveira Nabor v. Portugal** (no. 28041/13)

**S.C. Ecological Center S.A. v. Romania** (no. 54593/11) – **Revision**

**Gruzda v. Russia** (no. 63833/09)

**Savić and Others v. Serbia** (nos. 22080/09, 56465/13, 73656/14, 75791/14, 626/15, 629/15, 634/15, and 1906/15)

Thursday 7 April 2016

[Ali Cheema and Others v. Greece](#) (no. 7059/14)

The applicants are 23 persons of different nationalities who were detained in Larissa Prison (Greece) at different times.

The case concerns their conditions of detention in Larissa Prison.

The applicants complain in particular about overcrowding in the prison, which accommodates between 780 and 942 persons whereas its capacity is 550 detainees. They complain in particular of the lack of space in the cells, the lack of hygiene, insufficient heating and hot water and inadequate numbers of medical staff.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), the applicants complain of the conditions of detention in Larissa prison and of the lack of an effective remedy to protest against those conditions.

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.

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**Alička and Others v. Albania** (nos. 33148/11, 33151/11, 33823/11, 46103/11, 72334/11, 78960/11)

**Halimi and Others v. Albania** (no. 33839/11)

**Karagjozi and Others v. Albania** (no. 32382/11)

**Simonyan v. Armenia** (no. 18275/08)

**Jokic v. Bosnia and Herzegovina** (no. 40356/11)

**Ivancic and Dzelajlija v. Croatia** (no. 62916/13)

**Verlagsgruppe Handelsblatt GmbH & Co. KG v. Germany** (no. 52205/11)

**Alexiou v. Greece** (no. 65811/13)

**Ali and Others v. Greece** (no. 13385/14)

**Evropaïkai Diakopai-European Holidays A.E. v. Greece** (no. 44685/09)

**Kyriakou and Panagiotas v. Greece** (nos. 34828/10 and 11674/11)

**Laimos v. Greece** (no. 76474/11)

**Meletopoulos and Davarakis v. Greece** (no. 46811/11)

**Trademont A.G. and Mina and Others v. Greece** (nos. 17154/10 and 45772/11)

**Balaton Airport Kft v. Hungary** (no. 21177/11)

**Csepany v. Hungary** (no. 37467/11)  
**Fintor v. Hungary** (no. 60924/11)  
**Gobl v. Hungary** (no. 81097/12)  
**Beatrice and Others v. Italy** (nos. 45344/08, 51592/08, 51675/08, 51700/08, 34621/09, 34628/09, 721/10, 5994/10, 6018/10, 53974/10, 53987/10, 56758/10, 56759/10, 56760/10, 56761/10, 56762/10, 56763/10, 56764/10, and 56765/10)  
**De Paola v. Italy** (no. 300/05)  
**Della Ratta and Others v. Italy** (nos. 49292/09, 49472/09, and 61000/09)  
**Orsi and Policastro v. Italy** (no. 17979/07)  
**Palmerini and Others v. Italy** (no. 20244/06 and 60 other applications)  
**Picariello and Others v. Italy** (no. 53268/08 and 66 other applications)  
**Prosperi and Others v. Italy** (nos. 62917/09, 32765/10, 58441/10, 58442/10, and 58443/10)  
**Puma and Others v. Italy** (nos. 7825/12, 10051/12, and 10174/12)  
**Vanacore and Others v. Italy** (nos. 59772/11, 59777/11, and 59900/11)  
**Stepuleac v. the Republic of Moldova** (no. 59850/09)  
**Santos Sarmiento and Others v. Portugal** (nos. 70712/13, 75989/13, 77088/13, 3168/14, 30090/14, 30115/14, 30118/14, 30119/14, 30122/14, and 31553/14)  
**Buzoianu and Others v. Romania** (nos. 39115/08, 74690/10, and 14729/15)  
**Ceoară and Chiorean v. Romania** (nos. 69060/13, 69067/13, and 12582/14)  
**Grădinaru and Others v. Romania** (nos. 71196/13, 40206/14, and 41073/14)  
**Iftime and Others v. Romania** (nos. 35817/11, 15246/13, 80754/13, 40595/14, 46525/14, 53161/14, and 54992/14)  
**Matei and Others v. Romania** (nos. 32435/13, 34092/14, 46833/14, 48459/14, 49302/14, 51491/14, 52446/14, 53438/14, 54354/14, 54542/14, 54682/14, 55491/14, 56258/14, 58288/14, 59242/14, 60919/14, 61680/14, and 62661/14)  
**Muşătoiu and Others v. Romania** (nos. 59957/13, 65978/13, 71817/14, 72500/14, 1373/15, 2384/15, and 5611/15)  
**Antufyev v. Russia** (no. 54929/08)  
**Bazhenov and Others v. Russia** (nos. 41849/04, 21719/05, 3369/06, 3543/06, 31477/06, 13446/07, 15425/07, 19359/07, 47213/07, 1989/08, 16602/08, 25210/08, 26895/08, 30813/08, 33928/08, 40971/08, 45315/08, 45521/08, 48888/08, 56777/08, 61024/08, 7923/09, 10510/09, 14356/09, and 18836/09)  
**Khushayev v. Russia** (no. 40935/12)  
**Kravchuk v. Russia** (no. 26269/12)  
**Lebedev v. Russia** (no. 28451/06)  
**Lyuboshenko v. Russia** (no. 10247/12)  
**Shorin v. Russia** (no. 57537/10)  
**Tesayev v. Russia** (no. 20432/11)  
**Tryapitsyna v. Russia** (no. 7786/09)  
**Stojanovic v. Serbia** (no. 63359/10)  
**Sarkocy v. Slovakia** (no. 27788/14)  
**Suchar v. Slovakia** (no. 34820/15)  
**Candido Gonzalez Martin and Plasencia Santos v. Spain** (no. 6177/10)  
**Porto and Alvarez-Cascos Fernandez v. Spain** (no. 36866/10)  
**Lazarevska v. "The former Yugoslav Republic of Macedonia"** (no. 61228/12)  
**Tomovski v. "The former Yugoslav Republic of Macedonia"** (nos. 52471/08, 54201/08, 56066/08, and 56067/08)  
**Agdas v. Turkey** (no. 23126/06)  
**Aslan v. Turkey** (no. 68267/11)  
**Ayar v. Turkey** (no. 70941/10)  
**Can v. Turkey** (no. 23597/11)



**Ermis v. Turkey** (no. 42906/11)  
**Kahraman v. Turkey** (no. 7128/05)  
**Kocer v. Turkey** (no. 5070/12)  
**Sahin v. Turkey** (no. 28543/11)  
**Savun v. Turkey** (no. 48409/06)  
**Sezen and Others v. Turkey** (nos. 63332/12, 63358/12, 63798/12, 69037/12, 74831/12, 76641/12, 76656/12, 78288/12, 78339/12, 78650/12, 81777/12, 148/13, and 152/13)  
**Toprak v. Turkey** (no. 58458/10)  
**Zareei v. Turkey** (no. 33188/10)  
**Bayduzh v. Ukraine** (no. 8821/08)  
**Gorodnichenko and Others v. Ukraine** (no. 79754/12 and 115 other applications)  
**Stoyko and Others v. Ukraine** (nos. 36496/05, 27565/09, 60257/10, and 36077/11)  
**Stryelka and Others v. Ukraine** (no. 69256/12 and 81 other applications)  
**Gribben and Quinn v. the United Kingdom** (no. 20855/15)  
**Kolesnikova v. the United Kingdom** (no. 67563/13)

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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.