



Judgments of 9 July 2019

The European Court of Human Rights has today notified in writing 15 judgments¹:

three Chamber judgments are summarised below; separate press releases have been issued for three other Chamber judgments in the cases of *Romeo Castaño v. Belgium* (application no. 8351/17), *Volodina v. Russia* (no. 41261/17) and *Selahattin Demirtaş v. Turkey (no. 3)* (no. 8732/11);

nine Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments in French below are indicated with an asterisk ().*

Tim Henrik Bruun Hansen v. Denmark (application no. 51072/15)

The applicant, Tim Henrik Brun Hansen, is a Danish national who was born in 1965. He is currently serving a sentence at Herstedvester Institution (Denmark).

The case concerned his complaint about the lack of an external medical opinion in a 2015 High Court decision to keep him in Herstedvester Institution, where he had been held since 1997.

Mr Hansen was found guilty in 1996 of deprivation of liberty, attempted rape in particularly aggravating circumstances and abandoning a 10-year-old girl. He was subsequently transferred to Herstedvester Institution.

He has several times requested release or a more lenient sentence. Based on medical reports by Herstedvester Institution experts, the requests were refused owing to a risk of his committing similar crimes unless he agreed to chemical castration, which he refused.

A new request for release was brought before the courts in 2014 and it was again rejected at first instance by the District Court.

Mr Hansen appealed, arguing that an external medical opinion was needed as his case had reached deadlock as the institution was insisting on chemical castration prior to his release but he refused on health grounds. He relied on Article 5 (right to liberty and security) of the European Convention on Human Rights and the Court's case-law in *H.W. v. Germany* and *Ruiz Rivera v. Switzerland*.

The High Court upheld the safe custody measure in January 2015, stating also that the submissions under Article 5 of the European Convention could not lead to a different finding and citing a Supreme Court case on that matter in its conclusions. Proceedings for his release also took place in 2016 and when they went to appeal the High Court sought an external opinion from the Medico-Legal Council. The appeal court subsequently maintained his placement in the institute.

The applicant complained that the High Court's decision of January 2015 to maintain his sentence of safe custody, without hearing an external medical expert, had breached his rights under Article 5 § 1 (a) (right to liberty and security) of the Convention.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Violation of Article 5 § 1

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by Mr Hansen. It further awarded him 2,000 euros (EUR) for costs and expenses.

Kislov v. Russia (no. 3598/10)

The applicant, Vladimir Kislov, is a Belarusian national who was born in 1974. His current whereabouts are not known but he is apparently in Russia.

The case concerned the applicant's complaint about proceedings in Russia to extradite him to Belarus.

A Belarus court convicted Mr Kislov in December 2005 of accepting a bribe in return for making a favourable decision in his role as an employee at the Minsk district office of a State affiliated enterprise and he was sentenced to seven years in a strict-regime prison. He alleged that the proceedings had been brought against him in retaliation for denouncing his superior at the company for various corrupt activities and that the case was fabricated.

The applicant arrived in Russia in March 2005. He stated that he had left Belarus owing to persecution and harassment by the domestic authorities.

He was arrested in Russia in July 2009 and in October 2009 the Prosecutor General's Office approved his extradition to Belarus. He appealed, arguing in particular that the Russian authorities had not assessed whether extradition had to be refused as being based on the enforcement of a sentence which had been imposed without the minimum guarantees of a fair trial.

His lawyer submitted at a hearing that he could face the kind of ill-treatment prohibited by Article 3 of the Convention. The Russian courts upheld the extradition order. The applicant went into hiding but as of March 2016 he was apparently still in Russia.

The Belarus courts reduced his sentence in July 2010 to four years under legislative changes that had occurred subsequently. Requests to the Belarus Supreme Court for further reviews were dismissed.

The applicant raised various complaints under in particular Article 5 (right to liberty and security) about his detention in Russia pending extradition from 16 August to 13 November 2009.

Violation of Article 5 § 1

Violation of Article 5 § 4

Violation of Article 5 § 5

Interim measure (Rule 39 of the Rules of Court) – not to remove Mr Kislov to Belarus – lifted.

Just satisfaction: EUR 10,000 for non-pecuniary damage

Gülkanat v. Turkey (no. 38176/08)*

The applicant, Aşur Gülkanat, is a Turkish national who was born in 1961 and lives in Istanbul (Turkey).

The case concerned allegations of ill-treatment by police officers.

On 9 August 1999, at around 10 a.m., three police officers came to Mr Gülkanat's home and asked him to accompany them to the police station. According to Mr Gülkanat, the officers stopped the car in a wooded area and one of them insulted him, accusing Mr Gülkanat of harassing his sister-in-law. The three police officers then beat him before taking him to the police station.

When he arrived at the police station, Mr Gülkanat reportedly complained to the senior officer in charge that he had been beaten and asked him to arrange a medical examination. The officer refused his request. Mr Gülkanat was released at around midday, without any record being made of his time at the police station. He subsequently went to the public prosecutor's office to submit a criminal complaint and underwent a medical examination. The doctor certified him unfit to work for five days, noting that he had physical injuries. A few days later the public prosecutor charged the three officers with abuse of power and ill-treatment and charged the senior officer with professional misconduct.

In February 2001 the police officers were sentenced to three months' imprisonment, converted into a suspended fine. However, the judgment was quashed by the Court of Cassation. In July 2003 the police officers were again convicted by the District Court, and the Court of Cassation again quashed the judgment. In March 2006 they were convicted for a third time, but in April 2008 the Court of Cassation held that the proceedings were statute-barred.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Gülkanat complained of his ill-treatment by the police officers and of the length of the proceedings brought against them for ill-treatment. He alleged, in particular, that the officers had enjoyed complete immunity owing to the application of the statute of limitations.

Violation of Article 3 (inhuman and degrading treatment)

Violation of Article 3 (investigation)

Just satisfaction: EUR 5,000 for non-pecuniary damage

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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.