



Judgments and decisions of 28 January 2016

The European Court of Human Rights has today notified in writing five judgments¹ and 20 decisions²: four Chamber judgments are summarised below;

one Committee judgment, which concerns issues which have already been submitted to the Court, and the 20 decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

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

Kiril Andreev v. Bulgaria (application no. 79828/12)

The applicant, Kiril Dimitrov Andreev, is a Bulgarian national who was born in 1980 and lives in Pleven (Bulgaria). The case concerned Mr Andreev's complaint of unlawful detention.

On 25 April 2012 Mr Andreev was arrested and subsequently charged with the unlawful possession of firearms and ammunition. He remained in detention throughout the pre-trial proceedings. A plea agreement – in which Mr Andreev admitted the offence and accepted a suspended sentence of two years' imprisonment – was approved by the court on 7 June 2012. At the end of the hearing at 5:16 p.m. the court ordered the discontinuation of his pre-trial detention. Mr Andreev continued to be detained, however, until he was again formally placed in pre-trial detention in relation to another offence on 9 June 2012 at 12:10 p.m.

Relying in particular on Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights, Mr Andreev complained that his 43-hour detention between 7 and 9 June 2012 had been unlawful and that he had not had any means of contesting it.

Violation of Article 5 § 1

Just satisfaction: 3,500 euros (EUR) (non-pecuniary damage) and EUR 531 (costs and expenses)

Partei Die Friesen v. Germany (no. 65480/10)

The applicant is a political party, "*Partei Die Friesen*", founded in 2007, which claims to represent the interests of the Frisian minority in Germany. Based in the town of Aurich, its political activities are limited to the *Land* of Lower Saxony (*Niedersachsen*).

The case concerned the party's complaint that it had been discriminated against by the 5 % threshold for attributing parliamentary seats, as applied in the parliamentary elections in Lower Saxony. According to estimates by the party, approximately 100,000 people of Frisian origin live in Lower Saxony, which has a total population of about 7,900,000.

In 2007 the party requested the Prime Minister of the *Land* of Lower Saxony and the president of the parliament of the *Land* to grant the party an exemption from the minimum threshold of 5 % of the

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

² Inadmissibility and strike-out decisions are final.

votes cast, applicable under the Electoral Law of the *Land*, in the upcoming elections. The request was refused. In the Lower Saxony parliamentary elections of January 2008 the party received 0.3 % of the votes cast. Irrespective of the minimum threshold, the number of votes received would not have been sufficient to obtain a seat in parliament. The party lodged an objection against the validity of the election results, submitting in particular that the Frisian people formed a national minority and that the minimum threshold resulted in their de facto exclusion from participating in the elections and amounted to discriminatory treatment. After the parliamentary committee on the scrutiny of elections had held a public hearing, the parliament of Lower Saxony rejected the party's objection. In April 2010 the Constitutional Court of Lower Saxony rejected the party's complaint, holding in particular that, while certain electoral laws in other *Länder* of Germany provided for exemptions for national minorities from the 5 % threshold, there was no obligation under the Basic Law for such exemptions.

Relying in particular on Article 14 (prohibition of discrimination) of the European Convention read in conjunction with Article 3 of Protocol No. 1 (right to free elections), the party complained that the application of the minimum threshold in the Lower Saxony parliamentary elections of 2008 had violated its right to participate in elections without being discriminated against.

No violation of Article 14 in conjunction with Article 3 of Protocol No. 1

Konstantinopoulos and Others v. Greece (no. 69781/13)*

The applicants are 31 Albanian, Greek, and Bulgarian nationals, who were born between 1954 and 1991. They were or are currently detained in Grevena Prison (Greece).

The case concerned the conditions of detention in Grevena Prison.

The applicants complained that they were detained in cells measuring 12 m², occupied by three or even four prisoners, the latter situation obliging one prisoner to sleep on the ground. They also complained about the brevity of visits, which were restricted to 15 minutes, the fact that the telephones did not work, and insufficient and poor quality food. Remand prisoners and convicted prisoners were allegedly held together. Several prisoners submitted a complaint to the relevant prosecutor, criticising the poor conditions of detention, in addition to a previous complaint alleging ill-treatment during a search of the cells. According to the Government, Grevena Prison is a model prison, which opened in 2008.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), the applicants complained of their conditions of detention in Grevena Prison and about the lack of an effective remedy in this regard.

No violation of Article 3

Violation of Article 13 in conjunction with Article 3 – in respect of 27 of the applicants (Vasilios Konstantinopoulos, Arben Aliaj, Ilir Aliu, Kastriot Bacu, Fation Begolli, Leonard Beiko, Banush Cerepi, Sirtakis Charalambidis, Konstantinos Christodouloupoulos, Fatos Deda, Ludovik Deda, Ali Agron Durma, Adrian Gobo, Fation Himaj, Baftiar Hysa, Adrian Kasa, Dimitrios Koukouvelos, Georgios Matsakalidis, Blerim Murati, Aleksander Papa, Kristaq Papa, Edmod Perdoda, Anatoli Petrov, Panagiotis Sifonios, Ilirjan Starova, Nuri Xaka and Stefan Yordanov)

The Court further declared **inadmissible** the complaints of Veselin Ivanov, Konstantinos Kalketinidis, Konstantinos Moustakas and Plarent Zani.

Just satisfaction: EUR 2,000 (non-pecuniary damage) to each of the 27 applicants in respect of whom the Court held that there had been a violation of the Convention, and EUR 600 (costs and expenses) jointly to those 27 applicants

Patrikis and Others v. Greece (no. 50622/13)*

The applicants are 12 Albanian, Greek, Bulgarian, and Nigerian nationals, who were born between 1957 and 1987. They were or are currently detained in Diavata Prison, Salonika (Greece).

The case concerned the conditions of detention in Diavata Prison.

The applicants complain that they were detained in cells measuring 24 m², holding ten other prisoners, and that their cells had only one toilet and open showers. They also complain about the lack of space and natural light, insufficient and poor quality food, hygiene conditions and defective equipment. They also indicate that the problem of overcrowding was more striking in winter, since they could not open the window on account of the cold. On various dates, some of the prisoners were transferred to another prison or released.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), the applicants complained of their conditions of detention and about the lack of an effective remedy in this regard.

Violation of Article 3 (degrading treatment) – in respect of Vassilios Patrikis and Frank Echekwube
Violation of Article 13 in conjunction with Article 3 – in respect of Vassilios Patrikis and Frank Echekwube

The Court further decided to **strike** the case **out** of its list of cases as far as the applicants Dimitrios Issopoulos, Kujtim Bushi and Mirand Rama are concerned, taking note of the friendly settlement reached by the latter and the Greek Government.

Lastly, the Court declared **inadmissible** the complaints of Atanas Atanasov, Nikolay Butilov, Pantelis Daggas, Hilary Emeka Eze, Klodian Hyska, Yordan Kostadinov and Pavlos Stefanidis.

Just satisfaction: EUR 15,000 (non pecuniary damage) to Vassilios Patrikis; as to Frank Echekwube, he did not submit a claim in this respect.

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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.