



## Judgments and decisions of 8 December 2016

The European Court of Human Rights has today notified in writing the following 11 judgments<sup>1</sup> and 76 decisions<sup>2</sup>:

two Chamber judgments are summarised below; for one other, in the case of *L.D. and P.K. v. Bulgaria* (applications nos. 7949/11 and 45522/13), a separate press release has been issued;

for three decisions, in the cases of *Simić v. Bosnia and Herzegovina* (no. 75255/10), *Colonna v. France* (n° 4213/13), and *Zihni v. Turkey* (n° 59061/16), separate press releases have also been issued;

eight Committee judgments, which concern issues which have already been submitted to the Court, and the 73 other decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgments below are available only in English.*

### Chernetskiy v. Ukraine (application no. 44316/07)

The applicant, Vladimir Chernetskiy, is a national of Ukraine who was born in 1963. The case concerned Mr Chernetskiy's complaint that he had been prevented from remarrying while serving a prison sentence.

Mr Chernetskiy was convicted and sentenced to 15 years' imprisonment in 2002. While in prison, his wife filed for a divorce. Their marriage was thus dissolved in February 2005 by the local civil status registry. Although he received a notification about the divorce, he was not able to obtain the divorce certificate because domestic law provided that the certificate had to be fetched in person but not that prisoners could be escorted to the registry for such purposes.

As a result, Mr Chernetskiy could not marry his new partner from February 2005, when the divorce came through, until October 2008 when he managed to obtain a divorce certificate in prison following the introduction of certain amendments to the domestic legislation. During this period, Mr Chernetskiy complained to the authorities about not being able to fetch his divorce certificate. The authorities acknowledged Mr Chernetskiy's concern but informed him that amendments to the legislation were under way and that he could obtain his certificate on being released from prison.

Relying in particular on Article 12 (right to marry) of the European Convention on Human Rights, Mr Chernetskiy complained about the authorities' failure to register his new marriage for more than three and a half years during his prison sentence.

**Violation of Article 12** – concerning the period between February 2005 and October 2008

**Just satisfaction:** 3,000 euros (EUR) (non-pecuniary damage)

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

<sup>2</sup> Inadmissibility and strike-out decisions are final.

## Frida, LLC v. Ukraine (no. 24003/07)

The applicant company, Frida LLC, is a limited liability company which has been based in Kyiv since 2004. The case concerned the refusal of a court to review the applicant company's appeal on points of law.

Under an agreement concluded in April 2005, the applicant company undertook to provide information and analytical services to another company, S.. According to the agreement, which was appended to another one in November 2005, S. had to pay for the services provided by the applicant company.

In April 2006 the applicant company filed a claim with the Kyiv Commercial Court, seeking recovery of an alleged debt from S. as well as payment of penalties and other legal fees. S. submitted a counterclaim in September 2006 with a request to declare the agreement void. The court granted the counterclaim in part and dismissed the initial claim of the applicant company.

In October 2006 the applicant company submitted an appeal on points of law with the Higher Commercial Court of Ukraine, but it was returned without consideration as the relevant court fee had not been paid in full. The applicant company resubmitted its appeal in November 2006 with proof of having paid the full court fee and with a request for an extension of the time-limit written on a cover letter, given that by that point the relevant deadline had expired.

The court disregarded, however, the cover letter and found that the appeal on points of law was inadmissible for failure to apply for an extension of the time-limit. This decision was ultimately upheld in February 2007 by the Supreme Court.

Relying on Article 6 § 1 (right of access to a court) of the European Convention, the applicant company complained that the refusal of the appellate commercial court to examine its appeal on points of law had unduly restricted its right of access to a court.

### Violation of Article 6 § 1 (access to court)

**Just satisfaction:** EUR 2,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

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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.