



Judgments and decisions of 30 July 2015

The European Court of Human Rights has today notified in writing six judgments¹ and 30 decisions².

Four Chamber judgments are listed below; for one other, in the case of *Ferreira Santos Pardal v. Portugal* (application no. 30123/10), a separate press release has been issued.

One Committee judgment, which concerns issues which have already been submitted to the Court, and the 30 decisions can be consulted on [Hudoc](#) and do not appear in this press release.

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

Loisel v. France (application no. 50104/11)*

The applicant, Matthieu Loisel, is a French national who was born in 1985 and is imprisoned in Mont de Marsan (France).

On 12 August 2009 Mr Loisel was arrested on suspicion of having raped a 16-year-old boy whom he had arranged to meet over the internet by passing himself off as a woman. He was placed in pre-trial detention to allow investigations to be conducted and to protect the victim from any attempt to exert pressure. Mr Loisel's applications for release were dismissed, as the judges considered that pre-trial detention served to avoid the risks of absconding and reoffending. The pre-trial detention was extended twice, in 2010 and 2011, for six months. Mr Loisel was sentenced at first instance on 7 December 2012 and then definitively by the appeal court appeal on 10 April 2014 to 15 years' imprisonment, accompanied by a judicial and social supervision order imposing compulsory treatment for ten years.

Relying on Article 5 § 3 (right to liberty and security) of the European Convention on Human Rights, Mr Loisel complained about the length of his pre-trial detention, which he considered excessive.

No violation of Article 5 § 3

E.A. v. Greece (no. 74308/10)*

The applicant, E.A., is an Iranian national who was born in 1977.

The case concerned his detention from 2 August to 8 October 2010, for the purposes of his expulsion, in the premises of the Soufli and Venna border police.

The applicant left Iran after having served a prison sentence, and arrived in Greece on 2 August 2010. Mr E.A. claims that he applied for asylum on arrival in Greece, but that his request was not registered. He was held in detention for two months pending expulsion in the premises of the border police in Soufli and Venna. Following an initial dismissal of his complaints regarding his conditions of detention, the administrative court upheld Mr E.A.'s second complaint and ordered his release, considering that he was not being held in "appropriate premises" for detention over a

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.

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 as well as strike-out decisions are final.

period of six months. The applicant alleges that he learned that his asylum claim had been rejected only once he had left Greece for Sweden, where he was granted refugee status.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention, Mr E.A. complained about the conditions of detention in the Soufli and Venna border-police stations, referring in particular to overpopulation, poor hygiene and lack of access to natural light. Under Article 13 (right to an effective remedy) taken together with Article 3, he complained, firstly, that he had not had an effective remedy to complain about those conditions, and, secondly, of the shortcomings in the Greek asylum system at the relevant time. He also submitted that his detention had been arbitrary, in alleged violation of Article 5 § 1 (right to liberty and security). Lastly, under Article 5 § 4, he alleged that the judicial review of his detention had been ineffective.

Violation of Article 3 (degrading treatment) – concerning the conditions of detention in the premises of the Soufli and Venna border police

Violation of Article 13 – concerning the lack of an effective remedy to complain about the conditions of detention in question

Violation of Article 13 taken together with Article 3 – concerning the shortcomings in the asylum system

No violation of Article 5 § 1

Violation of Article 5 § 4

Just satisfaction: 6,500 euros (EUR) (non-pecuniary damage) and EUR 1,845 (costs and expenses)

Zammit and Attard Cassar v. Malta (no. 1046/12)

The applicants, Carmel Zammit and Doris Attard Cassar, are Maltese nationals who were born in 1943 and 1957 respectively and live in Zabbar and Birkirkara (Malta) respectively.

The case concerned the capping of rent levels in Malta on commercial properties.

In October 2000 the applicants inherited a property from their uncle which had been built in the 1960s in Zabbar and which was leased since the 1970s to a company, E., on the basis of a voluntary lease agreement. Under the relevant law on such leases, eviction and the fixing of rent could only take place subject to the approval of the Rent Regulation Board (the “RRB”), which itself was bound by limitations in the law. After having had the property valued, the applicants decided to increase the rent and informed E. by judicial letter. E. refused the increase and, in May 2004, applied to the RRB to dismiss the claim for the increase in rent. The applicants responded, arguing that the rent should reflect market values. The RRB, referring to the recommendation by two court-appointed architects that the rent should not be increased, dismissed the applicants’ request in January 2008. It also held that it had no jurisdiction to decide on the applicants’ allegation of a breach of their property rights under the European Convention on Human Rights. On appeal the matter was referred to the constitutional jurisdictions. Ultimately, in July 2011, the Constitutional Court found that, given that the original owner – the applicants’ uncle – had been fully aware of the legal consequences when leasing the property, he and his successors – the applicants – could not now complain of a breach of their rights under the European Convention.

Relying in particular on Article 1 of Protocol No. 1 (protection of property), the applicants complained that the law in Malta had not allowed them to seek an increase in rent to reflect market values, meaning that their rent had remained tied to fictitious 1914 values. Thus, according to the applicants, the market rental value of the property during the first decade of their rental contract had been 7,000 euros (EUR), whereas the rent payable to them had been EUR 862 per year; the rent had subsequently been increased (to EUR 1,505 in 2013 with a further 5% increase from 2014 onwards) but only slightly. They alleged that these rent law restrictions had imposed on them an excessive individual burden, particularly in view of the fact that their property had been leased to a commercial enterprise.

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 40,000 (pecuniary damage) and EUR 10,000 (costs and expenses) to the applicants jointly

Voronkov v. Russia (no. 39678/03)

The applicant, Valeriy Voronkov, is a Russian national who was born in 1939 and lives in Samara (Russia).

The case concerned the non-enforcement of a final judgment in his favour.

Mr Voronkov worked as a store keeper at a car park operated by a municipal unitary company until being dismissed in July 2000 on account of the company's liquidation. He brought proceedings against his former employer in connection with his dismissal and in November 2001 the Oktyabrskiy District Court found that his dismissal was unlawful – as the company was still being wound up – and awarded him damages. That judgment was subsequently upheld on appeal and became final in January 2002. The enforcement proceedings commenced in February 2002 but were discontinued by the national courts in May 2003 on account of the company's lack of assets as established in the liquidation proceedings (which had been terminated in the meantime in September 2002).

Mr Voronkov notably complained that the judgment of November 2001 had still not been enforced, relying in particular on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 667 (pecuniary damage), EUR 2,000 (non-pecuniary damage) and EUR 158 (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.