



Judgments of 4 December 2018

The European Court of Human Rights has today notified in writing 13 judgments¹:

one Chamber judgment is summarised below; a separate press release has been issued for one other Chamber judgment in the case of *Magyar Jeti Zrt v. Hungary* (application no. 11257/16);

a separate press release has also been issued for one Committee judgment in the case of *R.I. and Others v. Romania* (no. 57077/16);

ten 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 judgment summarized below is available in English only.

Isayeva v. Ukraine (application no. 35523/06)

The applicant, Natalya Isayeva, is a Ukrainian national who was born in 1974 and lives in Luhansk (Ukraine).

The case concerned Ms Isayeva's complaint that she had been seriously hurt by another patient in a State-run mental institution in 1998.

She suffered grievous bodily harm following the attack, including concussion and a fractured jaw and nose. Her injuries later resulted in her going blind in one eye.

The prosecuting authorities decided in 1998 and 2013 not to institute or pursue criminal proceedings. They found in particular that the patient who had attacked Ms Isayeva could not be held criminally responsible and that, even though two of the asylum's orderlies had apparently been negligent by failing to supervise the patients, it was not possible to prosecute them under the relevant domestic law because they could not be considered as "officials".

Between 1999 and 2014 she did however obtain court decisions on two of her civil claims for compensation. The first set of proceedings terminated by a court decision finding that solely the asylum orderlies were at fault for the harm inflicted on her, while the second set of proceedings divided liability for the incident between the orderlies and the patient who had assaulted her.

She was awarded 74,130 Ukrainian hryvnias (approximately 8,000 euros at the time) in total in those proceedings.

In the meantime, in 2006, the prosecutor's office requested that the asylum conduct an internal investigation into the incident, but this demand has apparently never been complied with.

Ms Isayeva complained that the State had failed to hold those responsible for the incident to account and that the length of the proceedings for damages had been excessive. The Court examined her complaints under Article 3 (prohibition of inhuman or degrading treatment) and

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

Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights.

No violation of Article 3 (investigation)

Application **struck out** of the Court's list of cases in so far as it concerns Ms Isayeva's complaint under **Article 6** of the Convention regarding the excessive length of the proceedings, the Court taking note of the unilateral declaration submitted by the Ukrainian Government, whereby the Government undertakes to pay Ms Isayeva 1,080 euros (EUR) in respect of just satisfaction.

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

Somi Nikol (tel: + 33 3 90 21 64 25)

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.