



## Judgments of 17 March 2020

The European Court of Human Rights has today notified in writing ten judgments<sup>1</sup>:

two Chamber judgments are summarised below;

eight 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 (\*).*

### Kosenko v. Russia (applications nos. 15669/13 and 76140/13)

The applicant, Mikhail Kosenko, is a Russian national who was born in 1975 and lives in Moscow.

The case concerned the applicant's pre-trial detention after he took part in the Bolotnaya Square protest in Moscow in May 2012.

The applicant was arrested in June 2012 on suspicion of taking part in mass disorder and using violence against the police during the protest in Bolotnaya Square, which was a rally of opposition activists which led to clashes with the police (the Court has issued a number of judgments related to events that day).

Mr Kosenko, who has schizophrenia and receives a disability pension, was remanded in custody after his arrest, with the court referring to the seriousness of his offence and the fact that he might abscond or interfere with the investigation. The pre-trial detention order was extended several times, with the applicant appealing for alternative preventive measures, such as house arrest or bail.

He was ultimately found guilty of the charges in October 2013 but absolved from criminal liability owing to mental incapacity. He was committed to a psychiatric hospital, from which he was released in July 2014. His mother died during his pre-trial detention and he was not able to attend her funeral because the authorities did not respond to his applications for short-term leave. He was also not allowed visits from his sister, who was his legal guardian.

During his pre-trial detention he was held for a time in a facility which did not have a hospital ward. He also received several visits from psychiatrists.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, the applicant complained that he had not received adequate medical assistance for his psychiatric condition in the first five months of his pre-trial detention.

He also raised complaints about the reasons for his detention in particular under Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial). Under Article 8 (right to respect for private and family life) he complained about the restrictions on family visits and the refusal to give him short-term leave to attend his mother's funeral.

### No violation of Article 3

<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)

**Violation of Article 5 § 3**  
**Violation of Article 8**

**Just satisfaction:** 3,000 euros (EUR) for non-pecuniary damage and EUR 2,000 for costs and expenses

Just Satisfaction

Zhidov and Others v. Russia (nos. 54490/10, 1153/14, 2680/14, and 31636/14)\*

The case concerned the question of just satisfaction in applications lodged by Russian nationals who had complained about court decisions ordering the demolition of buildings belonging to them because of their proximity to gas and oil pipelines. The buildings had been designated as illegal constructions.

In its principal judgment of 16 October 2018 the Court found a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention as regards three applicants (application nos. 1153/14 and 2680/14). It ruled that the demolition order on the properties belonging to those three applicants had contravened the requirements of Article 1 of Protocol No. 1.

Today's judgment deals with the application of Article 41 (just satisfaction) of the Convention.

**Just satisfaction:** EUR 2,000 to Ms Kastornova (application no.1153/14) and to Ms Vdovina (application no. 2680/14), each, 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.