



Judgments of 23 March 2021

The European Court of Human Rights has today notified in writing two Chamber judgments¹, which are summarised below.

The judgment in French is indicated with an asterisk ().*

Kotenok v. Russia (application no. 50636/11)*

The applicants, Galina Kotenok, Irina Kotenok, and Andrey Kotenok, are Russian nationals who were born in 1965, 1991, and 1988 respectively. They live in Naberezhnye Chelny, Republic of Tatarstan (Russia).

The case concerned the death of a close relative of the applicants in a police station cell.

In March 2009 V.K., the first applicant's former husband and father of the other two applicants, caused a scene at home while in a drunken state. The second applicant called the police, who took V.K. to the police station, where he was put in a cell for holding administrative offenders. About half-an-hour later he was found dead on the floor with elastic from his trousers tied around his neck. The authorities conducted an investigation, which led to a discontinuance decision in March 2011. They considered that they had no information to suggest that any offences of murder, violence or incitement to suicide had been committed. The applicants also brought a civil action to claim compensation for the non-pecuniary damage which they claimed they had sustained. The action was dismissed in June 2010 as manifestly ill-founded.

Relying in particular on Article 2 (right to life) of the European Convention on Human Rights, the applicants submitted that the Russian authorities had failed to take all the requisite action to protect V.K.'s life and that the investigation conducted after his death had been ineffective.

No violation of Article 2

Ghailan and Others v. Spain (no. 36366/14)

The applicants, Abdelilah Ghailan, Fatima Zahra Alami Wahabi and their two minor children, are Moroccan nationals who were born in 1977, 1984, 2004 and 2007 respectively and live in the Cañada Real Galiana in Madrid.

The case concerned the applicants' eviction and the demolition of their home by the authorities.

Relying on Article 8 (right to respect for private and family life and the home) of the European Convention the applicants complained that the demolition of their home after decades of tolerance on the part of the authorities had infringed their rights.

No violation of Article 8

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: http://www.coe.int/t/dghl/monitoring/execution_-_blank

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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.