



Judgments and decisions of 17 September 2015

The European Court of Human Rights has today notified in writing six judgments¹ and 47 decisions²: three Chamber judgments are summarised below;

for one decision, in the case of *Renard and Others v. France* (applications nos. 3569/12, 9145/12, 9161/12 and 37791/13), a separate press release has been issued;

three Committee judgments and the 46 remaining decisions can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments below are available only in English.

Langner v. Germany (application no. 14464/11)

The applicant, Rolf-Udo Langner, is a German national who was born in 1955 and lives in Pirna (Germany).

The case concerned Mr Langner's complaint that he had been dismissed from his job in local government for criticising his superior at a staff meeting.

In December 1998 Mr Langner, employed at the Dresden Housing Office as head of the sub-division responsible for sanctioning misuse of housing property, took the floor during a staff meeting and accused his superior, the Deputy Mayor for Economy and Housing, of perversion of justice. He alleged in particular that the Deputy Mayor had ordered the unlawful demolition of a block of flats in 1995/1996. Mr Langner subsequently substantiated his allegations in writing. He was dismissed with effect from June 1999. In the ensuing labour law proceedings the Saxon Labour Court of Appeal, after thorough examination of the legal and factual situation surrounding the demolition permit, held in November 2004 that the decision taken by the Deputy Mayor on the permit had been lawful and that Mr Langner's accusations had been unfounded. The Court of Appeal also found that the nature of the accusations – notably, the crime in question was a felony – were not only likely to damage the Deputy Mayor's reputation, but also to seriously interfere with the working atmosphere within the Housing Office. It also considered that no alternative to dismissal could have been envisaged given Mr Langner's refusal to revise his opinions on his superior during the domestic proceedings. Mr Langner's appeal on points of law was then dismissed and, ultimately, in August 2010, the Federal Constitutional Court refused to entertain his constitutional complaint.

Relying on Article 10 (freedom of expression) of the European Convention on Human Rights, Mr Langner complained that his dismissal had breached his right to freedom of expression.

No violation of Article 10

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

² Inadmissibility and strike-out decisions, are final.

Kovyazin and Others v. Russia (nos. 13008/13, 60882/12 and 53390/13)

The applicants, Leonid Kovyazin, Artem Savelov, and Ilya Gushchin, are Russian nationals who were born in 1986, 1979, and 1988 respectively and live in Kostino (in the Kirov Region), Moscow and Khimki (in the Moscow Region), all in Russia.

The case concerned the applicants' arrest and pre-trial detention following their participation in a demonstration in 2012 to protest against allegedly rigged presidential elections.

The demonstration "March of Millions" took place on 6 May 2012 in central Moscow and resulted in numerous clashes between police and protestors at Bolotnaya Square. The applicants, who took part in the demonstration at Bolotnaya Square, were subsequently arrested and charged with participation in mass disorders. Mr Kovyazin was arrested in September 2012 and released in December 2013 following an amnesty. Mr Savelov and Mr Gushchin, who were also charged with violent acts against police officers, were arrested in June 2012 and February 2013, respectively. They were convicted as charged in February 2014 and August 2014, respectively. The domestic courts, when ordering, extending or reviewing the applicants' pre-trial detention, relied on the seriousness of the charges against the applicants and the likelihood that they would abscond or influence witnesses. At the advanced stage of the proceedings, when the applicants' criminal case files were submitted to court, the courts extended their detention by means of collective detention orders, namely in June 2013 and November 2013 (Mr Kovyazin and Mr Savelov) and in April 2014 (Mr Gushchin).

Relying in particular on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) of the European Convention, all three applicants complained that such lengthy pre-trial detention had not been justified in their cases and that the courts, not taking into account the fact that they had had no criminal record, had had fixed places of residence and stable family backgrounds, had refused all their requests for alternative preventive measures. Mr Savelov, relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), also complained that his appeals against his detention had been examined with unacceptable delays.

Violation of Article 5 § 3 – as regards all three applicants

Violation of Article 5 § 4 – as regards Mr Savelov

Just satisfaction: 3,000 euros (EUR) to Mr Savelov and EUR 2,000 each to Mr Kovyazin and Mr Gushchin (non-pecuniary damage)

Andonoski v. "The former Yugoslav Republic of Macedonia" (no. 16225/08)

The applicant, Denis Andonoski, is a Macedonian national who was born in 1968 and lives in Prilep ("The former Yugoslav Republic of Macedonia").

Mr Andonoski is a taxi driver: the case concerned the authorities' confiscation of his car.

On 25 July 2007 Mr Andonoski was stopped by the police when driving three Albanian nationals to the village of Vitolište (in Mariovo). His passengers had no travel documents and the police therefore arrested them. Mr Andonoski was also arrested and his car was seized. An investigation was subsequently opened against him on suspicion of smuggling migrants but the charges were withdrawn in August 2007 for lack of evidence. The prosecutor, noting that Mr Andonoski had not been aware that his passengers were illegal migrants, thus discontinued the investigation against him. However, the investigation continued as concerned one of the passengers, who was ultimately convicted in September 2007 of migrant smuggling and sentenced to one year's imprisonment. The trial court in those proceedings ordered the confiscation of Mr Andonoski's car as the means by which a criminal offence had been committed. Mr Andonoski appealed but the confiscation order was upheld in November 2007.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, Mr Andonoski complained about the confiscation of his car, despite the fact that he had never been convicted in the related proceedings.

Violation of Article 1 of Protocol No. 1

Just satisfaction: The Court held that “The former Yugoslav Republic of Macedonia” was to return to Mr Andonoski the confiscated car in the state at the time of the confiscation, failing which it was to pay Mr Andonoski EUR 10,000 in respect of pecuniary damage. The Court further awarded Mr Andonoski EUR 3,000 in respect of non-pecuniary damage and EUR 115 in respect of costs and expenses.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court’s press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_Press](https://twitter.com/ECHR_Press).

Press contacts

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

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

Nina Salomon (tel: + 33 3 90 21 49 79)

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

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.