



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 19 judgments on Tuesday 6 November 2012 and 13 on Thursday 8 November 2012.

*Press releases and texts of the judgments will be available at **10 a.m.** (local time) on the Court's Internet site (www.echr.coe.int)*

Tuesday 6 November 2012

[Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and "The former Yugoslav Republic of Macedonia" \(application no. 60642/08\)](#)

The applicants, Emina Ališić, Aziz Sadžak, and Sakib Šahdanović, are nationals of Bosnia and Herzegovina who were born in 1976, 1949 and 1952 respectively and live in Germany. Emina Ališić is also a German national. The applicants complain that they are unable to withdraw foreign-currency savings they deposited before the dissolution of the Socialist Federal Republic of Yugoslavia with two banks in what is now Bosnia and Herzegovina: the Ljubljanska Banka Sarajevo (a Slovenian-based bank) and the Tuzla branch of the Investbanka (a Serbian-based bank). Negotiations are still pending between the successor States to settle matters such as their respective liability to pay investors the sums deposited and the related modalities/conditions. The applicants complain in particular about the delay in reaching a settlement and that they do not have at their disposal an effective remedy for their complaints in respect of any of the States concerned. They rely on Article 1 of Protocol No. 1 (protection of property), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights. There are more than 1,650 similar applications, involving more than 8,000 applicants, pending before the Court.

[Dimov and Others v. Bulgaria \(no. 30086/05\)](#)

The applicants, Dobromir Dimov, Danail Dimov, and Vera Todorova, are Bulgarian nationals who were born in 1981, 1979, and 1959 respectively and live in Harmanli (Bulgaria). The case concerns their allegation that their father and husband, Todor Dimov Todorov, was killed in December 2003 during a police operation to arrest him. Mr Todorov was wanted by the police as he had escaped during a previous attempt to arrest him and send him to prison to serve a six-month sentence for letting out his house for lewd acts. Relying on Article 2 (right to life) of the Convention, the applicants allege in particular that the police squad sent to Mr Todorov's country house where he was in hiding used excessive force during the operation, and notably launched 15 rocket propelled grenades at the house in order to make an opening in the wall for the assault party. They also allege that the investigation into Mr Todorov's death, which came to the conclusion that he had died as a result of the detonation of a hand grenade he had activated himself, was inadequate. The applicants also complain under Article 1 of Protocol No. 1 (protection of property) about the partial destruction of Mr Todorov's country house. Lastly, the applicants complain under Article 13 (right to an effective remedy) that they did not have effective remedies in respect of any of their complaints.

[Dimovi v. Bulgaria \(no. 52744/07\)](#)

The applicants, Konstantin Dimov and Ivan Dimov, are Bulgarian nationals who were born in 1968 and 1971 respectively and live in Varna. Their mother, E. Dimova, worked for the municipal board of the Trade Union Federation in Razgrad. On 22 November 1989

there was a fire in the building. Firemen saved Mrs Dimova but she died six days later from injuries sustained in the fire. On the day the fire broke out criminal proceedings were initiated against persons unknown and the applicants joined the proceedings as a civil party. On 9 May 1990 the public prosecutor decided to discontinue the proceedings, and that decision was upheld on appeal. The Principal State Prosecutor then asked the district prosecutor to investigate the matter further. The district prosecutor found that T.T., the Chairman of the municipal board of the Trade Union Federation in Razgrad, could not be held criminally responsible for the fire, and again discontinued the proceedings. In a final judgment of 11 June 2007 the Schumen regional court upheld the decision to dismiss the applicants' case. Relying on Article 2 (right to life) the applicants allege that the investigation into the circumstances of their mother's death was not effective. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), they also complain about the length of the criminal proceedings.

[Ekoglasnost v. Bulgaria \(no. 30386/05\)](#)

The applicant is a Bulgarian political party founded in 1990 and based in Sofia. The party took part in all the general elections held between 1990 and 2001. In three of those elections its score entitled it to seats in the National Assembly. On 15 April 2005, shortly before the incumbent parliament was due to be dissolved, the President of the Republic issued a decree setting 25 June 2005 as the date of the next general election. On 9 May 2005 Ekoglasnost asked the Central Electoral Commission to register it as a participant in the coming elections, but the Commission refused because Ekoglasnost did not meet three new requirements: the presentation of a certificate of the Court of Audit, a list of 5,000 voters' signatures and a deposit of about 10,000 euros. The party challenged that decision before the Supreme Administrative Court, which rejected the appeal. Relying on Article 3 of Protocol No. 1 (right to free elections), Ekoglasnost complains that the introduction, shortly before election day, of three new conditions for parties to be able to enter candidates in the 25 June 2005 general election prevented it from taking part in the election.

[Yavashev and Others v. Bulgaria \(no. 41661/05\)](#)

The applicants, Anani Yavashev, Stefan Yavashev, and Christo Javasseff, brothers, were born in 1932, 1938 and 1935 respectively. Anani Yavashev and Stefan Yavashev are Bulgarian nationals who live in Sofia, Bulgaria, and Christo Javasseff is a national of the United States of America who lives in New York. The case concerns property in the town of Gabrovo which the brothers had inherited from their father and which, nationalised in 1947, was struck out of the register of State properties in 1992 under a law providing for the restitution of nationalised property. The property had been used for a school since 1960 and, in the years following the striking out decision, the municipality continued to use the building with the applicants' consent, also paying rent. When, following an intervention by the regional governor, the municipality stopped paying rent in 2001, the applicants brought a claim before the civil courts. The municipality brought a counterclaim, seeking a judicial declaration that it was the owner of the property. Relying on Article 1 of Protocol No. 1 (protection of property), the brothers complain about the resulting judgment in December 2007 which held that the property had always belonged to the municipality because it did not fall within the ambit of the restitution law.

[Zdravko Stanev v. Bulgaria \(no. 32238/04\)](#)

The applicant, Zdravko Stanev, is a Bulgarian national who was born in 1951 and lives in Kazanluk (Bulgaria). Relying in particular on Article 6 § 3 (c) (right to legal assistance of own choosing), Mr Stanev, who is unemployed, complains that he was refused free legal representation in criminal proceedings brought against him for forging documents when representing his father in a tort action against the local forestry office. In September

2003 he was found guilty as charged and fined 250 euros (EUR). He was also ordered to pay EUR 8,000 damages to the judge, forestry office officials and counsel whose signatures he had forged in the documents he had submitted during the tort proceedings.

[Longin v. Croatia \(no. 49268/10\)](#)

The applicant, Dženi Longin, is a Croatian national who was born in 1974 and lives in Zadar (Croatia). Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Longin complains about the conditions of his detention from 1 October 2009 to 4 October 2010 in Zagreb Prison where he was serving a four year and three month sentence for drug abuse. He notably alleges that for 22 hours a day he was confined to an overcrowded cell which was full of cockroaches and had no separation between the toilet and where he ate. He also complains about lack of contact with his family during his detention, in breach of Article 8 (right to respect for private and family life and the home).

[Osmanović v. Croatia \(no. 67604/10\)](#)

The applicant, Kabir Osmanović, is a Croatian national who was born in 1985 and lives in Pula (Croatia). Relying on Article 5 § 3 (right to liberty and security), Mr Osmanović alleges that his remand in custody for eight days in October 2009 on charges of attacking two off-duty police officers was not justified. Further relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), he also complains that his ensuing constitutional complaint to challenge the lawfulness of the eight days' detention was dismissed solely on the ground that he had already been released.

[Trifković v. Croatia \(no. 36653/09\)](#)

The applicant, Milan Trifković, is a Croatian national who was born in 1976 and lives in Split (Croatia). Relying on Article 5 §§ 1 and 3 (right to liberty and security), Mr Trifković complains about the unlawfulness and excessive length – more than three years – of his pre-trial detention following his arrest in November 2006 on suspicion of supplying heroin. Further relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), he also complains in particular that his constitutional complaint to challenge the decisions extending his detention was dismissed without an examination of the merits. He was released in May 2010 following the expiry of the maximum statutory period of detention under domestic law. The criminal proceedings against him are still pending on appeal.

[Lin v. Greece \(no. 58158/10\)](#)

The applicant, Luping Lin, is a Chinese national who was born in 1983. On 11 April 2006 he applied to the Thessaly regional authorities for a residence and work permit. To prove how long he had lived in Greece he submitted a Chinese passport he alleged was issued in November 2004, which the Chinese embassy in Athens disputed. In March 2007, Mr Lin's name was entered in a register of undesirable aliens. He was arrested in 2010 and taken into custody for illegal entry and residence in Greece. On 30 June 2010 he was transferred to the Hellenico illegal immigration centre in Athens. Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), he complains about the conditions of his detention at the Hellenico centre. Further relying on Article 5 § 1 (right to liberty and security) and Article 5 § 4 (right to a speedy review of the lawfulness of detention), he complains that his detention was illegal.

[Vassallo v. Malta \(no. 57862/09\)](#)

[Just satisfaction](#)

The applicant, Victoria Vassallo, is a Maltese national who was born in 1954 and lives in Zebbug (Malta). In its judgment of 11 October 2011 the Court held that there had been

a violation of Article 1 of Protocol No. 1 (protection of property) concerning the expropriation in 1974 of land she co-owned in Birkirkara (Malta) for a social housing project and that, to date, some 37 years later, she had still not been compensated. The Court found that the question of the application of Article 41 (just satisfaction) was not yet ready for decision. It will rule on this point in its forthcoming judgment of 6 November 2012.

[Miu v. Romania \(no. 7088/03\)](#)

The applicant, Margareta Miu, is a Romanian national who was born in 1954 and lives in Bucharest. In 1950 a number of buildings in Bucharest were nationalised, including one on Boulevard Averescu. In 1993 the Bucharest District Court found that the building had been nationalised illegally and ordered that it be returned to the former owner's heir. Following the death of the owner's heir, Mrs Miu continued the action to recover the property. On 22 June 1998 the Bucharest Court of Appeal rejected the action for recovery, considering that the claim needed to be examined under a special procedure provided for in Law no. 112/1995. The applicant then applied to the local administrative authorities to recover the building, and her request was granted. The Bucharest District Court set that decision aside, however, considering that the provisions of Law no. 112/1995 were not applicable to the building concerned, and that judgment was upheld on appeal and in cassation. Relying on Article 6 § 1 (right of access to court) Mrs Miu complains of a violation of her right of access to a court and to a fair hearing within a reasonable time.

[Borodin v. Russia \(no. 41867/04\)](#)

The applicant, Pavel Borodin, is a Russian national who was born in 1978 and is serving a prison sentence in Norilsk, Krasnoyarsk Region. In September 1999 Mr Borodin was arrested on manslaughter charges. He was found guilty as charged in December 2004 and sentenced to seven years' imprisonment. In the meantime, he was accused of strangling a cellmate during his pre-trial detention and, in March 2006, was found guilty of murder and sentenced to 11 years' imprisonment. He makes a number of complaints about beatings during his detention, notably by the police on 13 September 1999 when he was arrested, by prison guards on 12 April 2002 during a search of his cell and by more prison guards during two other incidents on 14 October 2002 and 5 August 2003 during which Mr Borodin alleges that excessive force was used against him to search him. He also alleges that the ensuing investigations into his allegations about these four incidents were ineffective. Furthermore he complains about being placed in solitary confinement from June 2004 to March 2006 following the murder of his cellmate, without adequate medical care for his mental health. He relies on Article 3 (prohibition of torture and inhuman or degrading treatment). Lastly relying on Article 5 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), he complains about the domestic courts' failure to ensure his attendance at a hearing in May 2005 concerning the extension of his pre-trial detention, and about the excessive length of the manslaughter proceedings against him.

[Maksim Petrov v. Russia \(no. 23185/03\)](#)

The applicant, Maksim Petrov, is a Russian national who was born in 1965 and is currently serving a sentence of life imprisonment in the town of Solikamsk, Perm Region (Russia), for multiple charges of murder, attempted murder and robbery. The courts notably found him responsible for a number of attacks on elderly and sick people in their homes in St Petersburg in 1999; posing as a doctor, he injected them with soporifics, sometimes in lethal quantities, and then robbed them. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complains about the appalling conditions – due to overcrowding – of his detention on remand in Petersburg from January 2000 to his conviction in November 2003 as well as of his transportation to and

from the court-house to attend his trial. Further relying on Article 6 § 2 (presumption of innocence), he also complains about statements made to the press by a number of policemen assigned to his case as well as their superior declaring that he had committed the crimes in question.

[Strelets v. Russia \(no. 28018/05\)](#)

The applicant, Igor Strelets, is a Russian national who was born in 1956 and lives in Moscow. He was the former Vice President of an airline (LLC Volga Aviaexpress Airlines). He was arrested in September 2003 on suspicion of fraud and forgery involving a Yak-42 aircraft. He was convicted in June 2005 and sentenced to five years' imprisonment. This judgment was upheld on appeal in October 2005 but the sentence was suspended for two years, with Mr Strelets being placed on probation and released. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complains that on the days he was transported to the court-house for trial he was deprived of food and sleep. Further relying on Article 5 §§ 1, 3, and 4 (right to liberty and security), he also makes a number of complaints about his detention, notably that it was unlawful during the proceedings against him, was based on insufficient grounds and lacked speedy judicial review.

[Beggs v. the United Kingdom \(no. 25133/06\)](#)

The applicant, William Frederick Ian Beggs, is a British and Irish national who was born in 1963 and is currently serving a sentence of life imprisonment in HM Prison Peterhead for murder. He was convicted in October 2001 and appealed against his conviction and sentence. The Supreme Court refused him permission to appeal his conviction in December 2010 and in April 2011 his counsel made it clear to the Appeal Court that his outstanding appeal against sentence would not be pursued. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), Mr Beggs complains about the excessive length of the appeal proceedings in his case.

[Hode & Abdi v. the United Kingdom \(no. 22341/09\)](#)

The applicants are Ilyas Elmi Hode, a Somali national, and his wife, Hawa Aden Abdi, a Djibouti national, who were born in 1980 and 1990 respectively. They live in Leeds (England) and Djibouti respectively. Mr Hode, a refugee, complains about the refusal to grant his wife leave to enter the United Kingdom. The couple did not qualify for "family reunion" under the Immigration Rules because their marriage had taken place after Mr Hode left Somalia and, as he had only been granted five years' Leave to Remain, Mrs Abdi could not join him as the spouse of a person present and settled in the United Kingdom. Relying on Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life), the applicants allege in particular that they were treated less favourably than other categories of immigrant such as refugees who had married before fleeing from their country of permanent residence and students or workers, who were entitled to be joined in the United Kingdom by their spouses.

[Redfearn v. the United Kingdom \(no. 47335/06\)](#)

The applicant, Arthur Collins Redfearn, is a British national who was born in 1948 and lives in Bradford (England). The case concerns Mr Redfearn's complaint that he was dismissed from his job as a driver transporting disabled persons, who were mostly Asian, because he was a member of an extremist right-wing and racist party (the British National Party, "the BNP"). He relies in particular on Articles 10 (freedom of expression), 11 (freedom of assembly and association) and 14 (prohibition of discrimination).

Repetitive cases

The following cases raise issues which have already been submitted to the Court.

Cale v. Albania (no. 50933/07)

The applicant in this case complains about non-enforcement of a final judgment in his favour. He relies on Article 6 § 1 (access to court).

Thursday 8 November 2012

[Pascaud v. France](#) (no. 19535/08)

[Just satisfaction](#)

The applicant, Christian Pascaud, is a French national who was born in 1960 and lives in Saint-Emilion (France). The case concerned the applicant's inability to secure judicial recognition of his true relationship with his biological father, who was the owner of a winegrowing estate that was ultimately left to the municipality of Saint-Emilion when he died in 2002. In its Chamber judgment given on 16 June 2011 the Court unanimously held that there had been a violation of Article 8 (right to respect for private and family life). In respect of pecuniary damage Mr Pascaud sought just satisfaction amounting to half the assets of W.A.'s estate, to which he would have been entitled had he been recognised as his son. The Court reserved the question of the application of Article 41 (just satisfaction), which will be examined in the judgment it will be giving on 8 November 2012.

[Neziraj v. Germany](#) (no. 30804/07)

The applicant, Nerim Neziraj, is a Serbian national who was born in 1979 and is currently detained in Remscheid Prison (Germany). He was convicted of bodily injury and sentenced to a fine of 1,500 euros in February 2003. The case concerns the refusal of the Cologne Regional Court to allow counsel to represent Mr Neziraj, who did not appear, at the hearing in the criminal appeal proceedings against him. The court rejected Mr Neziraj's appeal on formal grounds due to his failure to attend, despite the fact that his counsel was present at the hearing and ready to defend him. Relying on Article 6 § 3 (c) (right to legal assistance of own choosing), the applicant complains that this procedure violated his right of access to court, his right to be heard in court and his right to defend himself through a lawyer.

[PETA Deutschland v. Germany](#) (no. 43481/09)

The applicant association, PETA Deutschland, is the German branch of the animal rights organisation PETA (People for the Ethical Treatment of Animals). Relying in particular on Article 10 (freedom of expression), it complains of a civil injunction which prevented it from publishing seven posters, each bearing a photograph of concentration camp inmates along with a picture of animals kept in mass stocks, accompanied by a short text. The injunction had been issued at the request of Jews living in Germany who had survived the Holocaust as children and had lost part of their family through the Holocaust.

[Z.H. v. Hungary](#) (no. 28973/11)

The applicant, Z.H., is a Hungarian national. He is deaf and mute, is unable to use sign language or to read or write, and has a learning disability. The case concerns his complaint that, on account of his disabilities, he could not understand the reasons for his arrest on 10 April 2011 on a charge of mugging, in breach of Article 5 § 2 (everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him), and that his ensuing detention

until his release on 4 July 2011 amounted to inhuman and degrading treatment, in breach of Article 3 (prohibition of torture and of inhuman or degrading treatment).

[Agrati and Others v. Italy \(nos. 43549/08, 6107/09 and 5087/09\)](#)

Just satisfaction

The applicants are 125 Italian nationals who live in Italy. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), they complained about the retroactive application of a new law to pending judicial proceedings concerning the calculation of their length of service as employees of the State. In its Chamber judgment of 7 June 2011 the Court unanimously held that there had been a violation of Article 6 § 1 and of Article 1 of Protocol No. 1. The Court reserved the question of the application of Article 41 (just satisfaction), which will be examined in the judgment it will be giving on 8 November 2012.

Repetitive cases

The following cases raise issues which have already been submitted to the Court.

Ambrosini and others v. Italy (nos. 8456/09, 8457/09, 8458/09, 8459/09, 8460/09, 8461/09, 8462/09, 8463/09, 8464/09, 8465/09, 8466/09, 8467/09, 8468/09, 8469/09, 8471/09, 8472/09, 8473/09 and 8475/09)

The applicants complained to the Pinto courts about the length of domestic judicial proceedings to which they had been party. In the Pinto proceedings they were awarded sums in respect of non-pecuniary damage. The Pinto decisions were enforced more than six months after they were deposited. The applicants submit that the delays in the authorities' compliance with the Pinto decisions violated their rights under Articles 6 § 1 (right to a fair hearing within a reasonable time) and 17 (prohibition of abuse of rights) and Article 1 of Protocol no. 1 (protection of property).

Ferrara v. Italy (no. 65165/01)

The applicant, Angelo Ferrara, is an Italian national who was born in 1920 and lives in Messina. He owned a piece of land in Taormina. In 1978 the municipal authorities in Taormina adopted a general development plan under which most of Mr Ferrara's land was to be turned into a public park. The applicant's land was officially taken over on 25 August 1979. In the absence of any formal expropriation or compensation, Mr Ferrara brought proceedings to recover his land or obtain compensation for it. The applicant alleges that the manner in which his land was taken from him was incompatible with Article 1 of Protocol No. 1 (protection of property).

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of (non-criminal) proceedings.

Gutman v. Hungary (no. 53943/07)

Gyuláné Kocsis v. Hungary (no. 20915/07)

Miklóné Kanyó v. Hungary (no. 30901/06)

Esteves Monteiro and Nunes Remesso Monteiro v. Portugal (no. 47001/10)

Portugal et Corrêa de Barros v. Portugal (no. 44230/10)

Žele v. Slovenia (no. 21308/06)

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.

Press contacts

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

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

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

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.