



Judgments concerning Azerbaijan, Bulgaria, Croatia, Georgia, Hungary, Italy, Latvia, the Republic of Moldova, Poland, Russia, Sweden, Turkey, and Ukraine

The European Court of Human Rights has today notified in writing the following 34 judgments, of which 17 (in italics) are Committee judgments and are final. The others are Chamber judgments¹ and are not final.

Repetitive cases² and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release. The judgments in French are indicated with an asterisk (*).

Meirelles v. Bulgaria (application no. 66203/10)*

The applicant, Ivana Meirelles, is a Brazilian national who was born in 1986 and lives in Bulgaria. In 2005 she began living with a Bulgarian man. In 2007 she gave birth to a child, and her partner recognised his paternity. Ms Meirelles claimed that she had been subjected to physical and psychological violence by her partner from the outset of their relationship, and by his family after the child's birth. On 9 September 2009, she had been expelled from their shared flat, in application of a judicial decision based on an attestation by her partner, who had accused her of domestic violence against him and the child. On the following day he had applied to have her deprived of her parental rights, arguing that since the child's birth she had failed to look after him, and that he and his parents had provided the care required by the child, without her help. Relying in particular on Article 8, Ms Meirelles alleged that the Bulgarian authorities had breached her right to respect for family life, in that her request for interim measures allowing her to visit the child had not been, in her view, examined promptly.

Violation of Article 8

Just satisfaction: 1,500 euros (EUR) (non-pecuniary damage) and EUR 2,500 (costs and expenses).

Kudra v. Croatia (no. 13904/07)

The applicants, Stjepan, Ruža, Josip and Ivana Kudra, are Croatian nationals who live in Nuštar (Croatia). They are the parents and siblings of Ivan Kudra, who died in hospital in October 1993, being treated for a serious head injury he had sustained in an accident while playing near an open construction site. The applicants alleged that his death had been the result of medical negligence. Relying in particular on Article 2 (right to life), they complained that the civil proceedings which they had brought against the

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a 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 In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

construction company, the investors responsible for the construction site and against the hospital had failed to meet the requirement of promptness and effective establishment of responsibility for Ivan's death.

Violation of Article 2 (investigation)

Just satisfaction: EUR 20,000 (non-pecuniary damage) and EUR 2,400 (costs and expenses).

Baisuev and Anzorov v. Georgia (no. 39804/04)

The applicants, Adam Baisuev and Rustam Anzorov, are Russian nationals who were born in 1980 and 1979 respectively. They are of Chechen origin. Residing at the time in Tbilisi (Georgia), where they had refugee status, they were detained for three hours at a police station in the course of a large-scale identity check operation conducted by the Georgian police on 7 December 2002 targeted at Russian citizens of Chechen origin. Relying in particular on Article 5 §§ 1 and 2, (right to liberty and security), they complained that their detention had had no legal basis and that they had not been informed about the reasons for their detention.

Violation of Article 5 § 1

Violation of Article 5 § 2

Just satisfaction: EUR 500 (non-pecuniary damage) to each applicant and EUR 100 (costs and expenses) jointly to both applicants.

Dvalishvili v. Georgia (no. 19634/07)

The applicant, Revaz Dvalishvili, is a Georgian national who was born in 1984 and lives in the village of Gvishtibi (Georgia). Arrested in December 2005 on suspicion of breaching public order, of which he was later convicted, he alleged that he had been severely beaten at the police department by three police officers, who had demanded that he confessed to having assaulted a taxi driver. Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Dvalishvili complained of having been ill-treated with the aim of extracting a confession and alleged that the authorities had failed to conduct an effective investigation into his complaints.

Two violations of Article 3 (treatment + investigation)

Just satisfaction: EUR 12,000 (non-pecuniary damage).

Jeladze v. Georgia (no. 1871/08)

The applicant, Genadi Jeladze, is a Georgian national who was born in 1978 and is currently serving a prison sentence for murder in Rustavi no. 6 Prison. Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained that he had been infected with a chronic form of viral Hepatitis C in prison and that the prison authorities had failed to provide him with adequate medical treatment.

Violation of Article 3 (inadequate medical treatment in prison up until 30 October 2008)

No violation of Article 3 (medical treatment provided to the applicant from 30 October 2008 onwards)

Just satisfaction: EUR 75 (pecuniary damage), EUR 5,000 (non-pecuniary damage) and EUR 615 (costs and expenses).

Preziosi v. Italy (no. 67125/01)*

(revision)

The applicants in this case were owners of land which was occupied by the authorities with a view to expropriation, and on which building work was begun. In the absence of formal expropriation and compensation, the applicants brought proceedings seeking damages for the unlawful occupation of their land. The applicants alleged that the occupation of their land had infringed their right to the peaceful enjoyment of their possessions, protected by Article 1 of Protocol No. 1 (protection of property). By a judgment of 5 October 2006, the Court held that the applicants' loss of all ability to dispose of the land, coupled with the lack of a remedy, amounted to a *de facto* expropriation that was incompatible with their right to the peaceful enjoyment of their possessions. It concluded unanimously that there had been a violation of Article 1 of Protocol No. 1. The Court considered that the question of the application of Article 41 (just satisfaction) was not ready for decision and accordingly reserved it. In a letter sent in September 2012, the Government requested revision of the judgment, on the ground that the applicants had died in 2003 and 2004, before the Court had delivered its judgment, and their heirs had never expressed a wish to take part in the proceedings before the Court.

The Court accepted the request for revision of the judgment of 5 October 2006 and, consequently, decided to strike the case out of its list of cases.

Čuprakovs v. Latvia (no. 8543/04)

The applicant, Aleksejs Čuprakovs, is a Latvian national who was born in 1978 and is currently serving a prison sentence in Jelgava Prison (Latvia). Diagnosed with bilateral destructive pulmonary tuberculosis, he was admitted to the prison hospital of the Central Prison in Riga in March 2005, where he spent a total of more than six months. Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained about the detention conditions in the prison hospital, in particular overcrowding, inadequate lighting, draughts and low temperatures in the cell, and inadequate sanitary arrangements. Relying on Article 34 (right of individual petition), he further complained that one of the letters he had received from the European Court of Human Rights had been opened by a prison guard.

Violation of Article 3 (conditions of detention)

No violation of Article 34

Just satisfaction: EUR 4,000 (non-pecuniary damage).

G.B. and R.B. v. the Republic of Moldova (no. 16761/09)

The applicants, G.B. and R.B., wife and husband, are Moldovan nationals who were born in 1968 and 1966 respectively and live in Țefan Vodă (the Republic of Moldova). Giving birth to a child in May 2000, Ms B., aged 32 at the time, had a Caesarean section, during which the obstetrician removed her ovaries and Fallopian tubes without obtaining her permission. She has been in treatment to counteract the effects of early menopause since 2001 and has had health problems ever since, including depression and osteoporosis. The courts found the obstetrician guilty of medical negligence, but eventually absolved him of criminal responsibility in 2005. Mr and Ms B. brought civil proceedings against the hospital and the obstetrician, and were awarded damages in the amount of 600 euros. Relying on Article 8 (right to respect for private and family life), they complained of Ms B.'s sterilisation and of the low amount of compensation they had been awarded.

Violation of Article 8

Just satisfaction: EUR 12,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses) to the applicants jointly.

Gasanov v. the Republic of Moldova (no. 39441/09)

The applicant, Zeinal Gasanov, is a Georgian national who was born in 1960 and lives in Taraclia (the Republic of Moldova). Arrested in February 2007 on suspicion of fraud and trespassing on private property, of which he was later convicted and sentenced to six years and four months' imprisonment, he alleged that while in temporary detention he had been ill-treated by the police with the aim of extracting a confession. In particular, he maintained that he had been struck on the head with a blunt object, following which he had lost consciousness. Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained that he had been ill-treated and that the authorities had failed to conduct an effective investigation.

Two violations of Article 3 (treatment + investigation)

Just satisfaction: EUR 12,000 (non-pecuniary damage) and EUR 1,500 (costs and expenses).

Sopin v. Russia (no. 57319/10)

The applicant, Aleksandr Sopin, is a Russian national who was born in 1954 and lives in Moscow. Arrested in May 2010 on suspicion of aggravated fraud, his pre-trial detention was extended a number of times until his release in September 2011, while the criminal proceedings against him were still pending. Relying on Article 5 § 3 (right to liberty and security), he complained in particular that his right to trial within a reasonable time had been breached.

No violation of Article 5 § 3

B.Z. v. Sweden (no. 74352/11) (striking-out)

The applicant, B.Z., is an Eritrean national who was born in 1942. Having arrived in Sweden in April 2006, he applied for asylum, submitting that he had been imprisoned in Eritrea for being unable to inform the authorities of the whereabouts of his sons who had allegedly deserted from military service, and that he had been beaten in prison. His asylum request having been rejected in a decision upheld by the Swedish Migration Court in November 2011, he alleged that he would face treatment in breach of Article 2 (right to life) and Article 3 (prohibition of torture and of inhuman or degrading treatment) if forced to return to Eritrea.

The Court decided, under Article 37 § 1 (c), to strike the application out of its list of cases (the validity of the deportation order against the applicant having expired, he may institute a new asylum request)

Just satisfaction: The Cour dismissed the applicant's claim for just satisfaction.

F.N. and Others v. Sweden (no. 28774/09)

The applicants, Mr F.N., his wife and their two minor children, are Uzbek nationals who were born in 1960, 1970, 1998 and 2006 respectively. Having arrived in Sweden in December 2005, they applied for asylum and residence permits, submitting that Mr and Ms N. had been persecuted in Uzbekistan. In particular, Mr N. had been tortured following his participation in a demonstration in Andijan in May 2005. Their request for

asylum and residence permits having been rejected by the Swedish Migration Board in a decision eventually upheld in June 2009, the applicants complained that if deported to Uzbekistan they would be persecuted, arrested, ill-treated and maybe even killed. They also alleged that one of the couple's children was in very poor health and would not receive proper medical treatment in Uzbekistan. They relied on Article 3 (prohibition of torture and of inhuman or degrading treatment).

Violation of Article 3 (in the event of the applicants' deportation to Uzbekistan)

The Court also decided to continue its indication to the Government (made under Rule 39 of the Rules of Court) that the applicant should not be extradited until the judgment became final or until further order.

Just satisfaction: EUR 4,500 (costs and expenses) to the applicants jointly.

P.Z. and Others v. Sweden (no. 68194/10) (striking-out)

The applicants, P.Z. and her two children, are Afghan nationals who were born in 1975, 1995 and 2004 respectively. Having arrived in Sweden in May 2007, joining P.Z.'s husband and their other children who had arrived there earlier, they applied for asylum, alleging that in Afghanistan the family had been persecuted by the Taliban. The applicants' asylum request having been rejected in a decision upheld by the Swedish Migration Court of Appeal in June 2010, they alleged that they would face treatment in breach of Article 3 (prohibition of torture and of inhuman or degrading treatment) if forced to return to Afghanistan.

The Court decided, under Article 37 § 1 (c), to strike the application out of its list of cases (the validity of the deportation order against the applicants having expired, they may institute a new asylum request)

Just satisfaction: EUR 2,000 (costs and expenses) to the applicants jointly.

Taşarsu v. Turkey (no. 14958/07)*

The applicant, Hacer Taşarsu, is a Turkish national who was born in 1979 and lives in Adana. On 16 February 2006, with several hundred other persons, she took part in a gathering in Adana for the purpose of making a statement to the press, held in front of a local branch of the DTP, a left-wing party in the pro-Kurdish movement. After a warning not to make this press statement, the police took demonstrators into custody. Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), Ms Taşarsu alleged that she had been subjected to ill-treatment while held in police custody. She also complained of the inadequacy of the investigation conducted by the domestic authorities.

No violation of Article 3 (treatment)

Violation of Article 3 (investigation)

Just satisfaction: The applicant did not make a claim for pecuniary or non-pecuniary damage; the Court further dismissed her claim for costs and expenses.

Repetitive cases

The following cases raised issues which had already been submitted to the Court.

Andreyeva v. Azerbaijan (no. 19276/08)

Gurbanova v. Azerbaijan (no. 18005/08)

Heydarova v. Azerbaijan (no. 59005/08)

Yusifova v. Azerbaijan (no. 25315/08)

Violation of Article 6 § 1 (as regards the four cases)

Violation of Article 1 of Protocol No. 1 (as regards the cases of *Andreyeva*, *Heydarova*, and *Yusifova*)

Vuldzhev v. Bulgaria (no. 6113/08)

Violation of Article 8

Chillemi v. Italy (no. 70800/01)*

de Gregorio v. Italy (no. 24294/03)*

Maselli v. Italy (no. 24887/03)*

Scala v. Italy (no. 70818/01)*

Uguccioni v. Italy (no. 62984/00)*

Violation of Article 1 of Protocol No. 1 (as regards the five cases)

Violation of Article 6 § 1 (as regards the cases of *Chillemi*, *Maselli*, *Scala*, and *Uguccioni*)

Collarile and Thirteen Other Applications v. Italy (nos. 10652/02, 21532/05, 37211/05, 6723/06, 12373/06, 13553/06, 23446/06, 28978/06, 29698/06, 29699/06, 29704/06, 23003/06, 25473/06, and 29693/06)*

Coppola and Others v. Italy (nos. 5179/05, 14611/05, 29701/06, 9041/05, and 8239/05)*

Inadmissible – as regards applications nos. 13553/06 (four of the applicants) and 23003/06 (one of the applicants)

Violation of Article 8 (right to respect for private life) – as regards the remaining other applications

Violation of Article 8 (right to respect for correspondence) – as regards application no. 21532/05

Violation of Article 1 of Protocol No. 1 (protection of property) – as regards application no. 21532/05

Violation of Article 2 of Protocol No. 4 (freedom of movement) – as regards application no. 21532/05

Violation of Article 13 (right to an effective remedy) – as regards the case of *Collarile and Thirteen Other Applications*, as well as applications nos. 14611/05 and 29701/06

Violation of Article 3 of Protocol No. 1 (right to free elections) – as regards application no. 10652/02

Violation of Article 6 § 1 (length of proceedings) – as regards application no. 21532/05

Alpatov and Others v. Ukraine (no. 7321/05 and 107 other applications)

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Violation of Article 13

Length-of-proceedings cases

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

Bećirović v. Croatia (no. 45379/10)

Lončar v. Croatia (no. 42969/09)

Marelja v. Croatia (no. 4255/10)

Lengyel v. Hungary (no. 34567/08)

Purpian sp. z o.o. v. Poland (no. 2311/10)

Çelikalp v. Turkey (no. 51259/07)*

Tumlukolçu v. Turkey (no. 33621/09)

Violation of Article 6 § 1 (as regards the seven cases)

Violation of Article 13 (as regards the case of *Lončar*)

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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.