



Forthcoming judgments

The European Court of Human Rights will be notifying in writing ten judgments on Tuesday 12 March 2013 and 13 on Thursday 14 March 2013.

*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 12 March 2013

Djalti v. Bulgaria (application no. 31206/05)

The applicant, Semir Azuz Djalti, is an Algerian national who was born in 1982 and lives in Sofia (Bulgaria). After he had entered Bulgaria illegally, an order for his removal was made in July 2004. Since Mr Djalti did not have any valid travel documents or the financial means to return to his country of origin, he was held in the Druzhba-2 temporary detention centre for adults in Sofia until October 2005. Relying on Article 5 § 1 (right to liberty and security) and Article 5 § 4 (right to speedy review of the lawfulness of detention) of the European Convention on Human Rights, Mr Djalti submits that his detention was unlawful and that he did not have any means of challenging it. Under Article 3 (prohibition of inhuman or degrading treatment), he complains about the conditions of his detention in the Druzhba-2 facility. Lastly, the applicant alleges that he was not informed promptly, and in a language he understood, of the reasons for his arrest, in breach of Article 5 § 2.

Zarzycki v. Poland (no. 15351/03)

The applicant, Adam Zarzycki, is a Polish national who was born in 1976 and lives in Jedwabno (Poland). He is disabled; both his forearms are amputated. In October 2002 he was convicted, among other things, of extorting money from a minor and sentenced to three years' imprisonment. He was granted parole in October 2006 and is currently at liberty. The case concerns Mr Zarzycki's complaint that his detention of three years and four months without adequate medical assistance for his special needs and without refunding him the cost of more advanced bio-mechanical prosthetic arms was degrading. He alleges that, as a result, he was forced to rely on other inmates to help him with certain daily hygiene and dressing tasks. He relies in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment) of the Convention.

Aydan v. Turkey (no. 16281/10)

The applicants, Kerime Aydan and Kaşem Aydan, are Turkish nationals who were born in 1968 and 1948 respectively and live in Siirt (Turkey). They are the widow and mother of Abdullah Aydan, who died on 6 September 2005 after being hit by shots fired by a gendarme from a vehicle parked near a group of demonstrators while he was waiting at a nearby bus stop. On that day, the security forces, having been informed that an illegal gathering would be taking place and a statement would be read out to the press, had taken security measures and arrested 36 demonstrators. Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), the applicants complain about the death of their husband and son and allege that there were shortcomings in the implementation of the legislation on the use of lethal force by State agents, and in the investigation conducted into their close relative's death. Under Article 6 § 1 (right to a fair hearing within a reasonable time), they

complain, in particular, about the length of the compensation proceedings they instituted in 2005, which are still pending. Lastly, relying on Article 14 (prohibition of discrimination), they allege that they were discriminated against by the judicial authorities on account of their Kurdish origin.

Repetitive cases

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

Stea and Others v. Italy (no. 32843/03)

The applicants complain that the authorities unlawfully occupied their land without any formal expropriation or compensation. They rely on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair hearing).

Length-of-proceedings cases

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

Ervin Mészáros v. Hungary (no. 23559/09)

József Sándor v. Hungary (no. 31069/11)

Gomes Almeida Henriques Moura v. Portugal (no. 43146/11)

Manso Rogeiro v. Portugal (no. 39607/10)

Marques Jerónimo Barata v. Portugal (no. 22851/11)

Vicente Cardoso v. Portugal (no. 30130/10)

Thursday 14 March 2013

[Insanov v. Azerbaijan](#) (no. 16133/08)

The applicant, Ali Binnat oglu Insanov, is an Azerbaijani national who is currently serving a prison sentence. A former Minister of Health Care, he was convicted of a number of serious criminal offences, including forgery in public office, embezzlement of public funds and arranging for unlawful privatisation of State-owned property assets, and sentenced in April 2007 to 11 years' imprisonment, with confiscation of property and a three-year ban on holding public office. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complains about the conditions of his detention, in particular overcrowding, lack of heating and poor sanitary conditions, and about a lack of medical treatment in detention, in particular for his back problems. He further complains, under Article 6 § 1 (right to a fair trial), that he was refused the opportunity to participate in the hearings in the civil proceedings he brought concerning the adequacy of his medical assistance and conditions of detention. Relying on Article 6 §§ 1 and 3 (b), (c), and (d) (right to a fair trial), he complains in particular of not being given adequate time and facilities to prepare his defence, of not being able to exercise his right to examine witnesses against him and of lack of effective legal assistance. Finally, relying on Article 1 of Protocol No. 1 (protection of property), he complains about the confiscation of his and his relatives' property.

[Eon v. France](#) (no. 26118/10)

The applicant, Hervé Eon, is a French national who was born in 1952 and lives in Laval (France). The case concerns his conviction for insulting the President of France. During a visit by the President to the *département* of Mayenne on 28 August 2008, Mr Eon had waved a placard reading "Casse toi pov'con" ("Get lost, you sad prick"), a phrase uttered by the President himself several months previously when a farmer had refused to shake

his hand at the International Agricultural Show. Mr Eon complains, in particular, that his conviction was in breach of Article 10 (freedom of expression).

[B.B. and F.B. v. Germany \(nos. 18734/09 and 9424/11\)](#)

The applicants, B. B. and F. B., are Austrian nationals of Turkish origin who live in Duisburg (Germany). The case concerns the withdrawal of their parental rights over their two children in 2008 after their daughter, aged 12 at the time, alleged that both she and her brother, aged eight, had been repeatedly and severely beaten by their father. The children were placed in a children's home, where they remained for over a year without having any personal contact with their parents. After the daughter later confessed to having lied to the authorities and stated that the parents had never beaten either of them, the children were returned to the family in 2009. The applicants complain that the withdrawal of their parental authority violated their rights under Article 8 (right to respect for private and family life). They allege in particular that the youth office and the family courts relied exclusively on the children's statements although the parents had constantly denied any allegations of domestic violence and although there were sufficient reasons to mistrust the children's allegations. The applicants further complain, under Article 14 (prohibition of discrimination), about being discriminated against in comparison with parents of German origin. They finally complain, under Article 3 of Protocol No. 7 (compensation for wrongful conviction), about being denied compensation for the erroneous decisions of the German courts.

[Bernh Larsen Holding AS and Others v. Norway \(no. 24117/08\)](#)

The applicant companies, Bernh Larsen Holding AS ("B.L.H."), Kver AS ("Kver") and Increased Oil Recovery AS ("I.O.R."), are limited liability companies registered in Norway. The case concerns their complaint about a decision of the tax authorities, which became final in 2007, requesting them to provide tax auditors with a copy of all data on a computer server used jointly by the three companies. The companies maintain that the decision breached their rights under Article 8 (right to respect for private and family life, home and correspondence), alleging in particular that the measure was taken in an arbitrary manner.

[Alpatu Israilova v. Russia \(no. 15438/05\)](#)

[Avkhadova and Others v. Russia \(no. 47215/07\)](#)

Both cases concern disappearances, in Dagestan and the Chechen Republic.

The applicant in the first case, Alpatu Israilova, is a Russian national who was born in 1955 and lives in Khasavyurt, Dagestan (Russia). She alleges that her husband, Yeraly Israilov, born in 1953, and their two sons were taken away from the family home on 19 October 2004 by Russian servicemen for questioning at the Gudermes military base in Chechnya. Her two sons were released four days later but her husband has never been seen since.

The applicants in the second case, Nurzhan, Limon, Luisa, Khava, and Kheda Avkhadova, are Russian nationals who live in Urus-Martan, the Chechen Republic (Russia). They are the mother and sisters of Vakhit Avkhadov, born in 1979, whom they have not seen since the early hours of the morning of 24 April 2001 when a group of armed men in camouflage uniforms broke into the family home in Urus-Martan and took him away. The only news they managed to obtain was allegedly from a Russian servicemen stationed not far away from Urus-Martan who confirmed that he had seen Vakhit Avkhadov being brought to the base and placed in a pit and later being taken away in a helicopter.

The applicants allege in particular that their relatives were unlawfully detained and must have subsequently been killed by Russian servicemen. They also complain that the ensuing investigation into their allegations was inadequate. All the applicants rely on Article 2 (right to life), Article 3 (prohibition of torture and of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy).

Ms Israilova also complains under Article 8 (right to respect for private and family life and the home) that the servicemen who searched her house on 19 October 2004 did not show her a search warrant. Lastly, she complains that she and her relatives were repeatedly summoned to Gudermes military base in Chechnya for questioning in order to dissuade her from maintaining her application to the European Court of Human Rights, in breach of Article 34 (right of individual petition).

[Kasymakhunov and Saybatalov v. Russia \(nos. 26261/05 and 26377/06\)](#)

The applicants, Yusup Kasymakhunov, an Uzbek national, and Marat Saybatalov, a Russian national, were born in 1964 and 1972 respectively. They were both convicted by the Russian courts, in November 2004 and October 2005 respectively, for their membership of the radical Islamic organisation Hizb ut-Tahrir al-Islami, and sentenced to seven years and four months' and five years and six months' imprisonment respectively. Relying on Article 7 (no punishment without law), they complain that the Russian Supreme Court's decision banning the activities of Hizb ut-Tahrir in Russia had not been officially published and that the legal provisions on the basis of which they were convicted were therefore not foreseeable in their application. They further allege that their conviction had violated their rights under Articles 9 (freedom of thought, conscience, and religion), 10 (freedom of expression), and 11 (freedom of assembly and association), and their rights under Article 14 (prohibition of discrimination) in conjunction with Articles 9, 10 and 11.

[Krylov v. Russia \(no. 36697/03\)](#)

The applicant, Dmitriy Krylov, is a Russian national who was born in 1981 and is currently serving a 23-year prison sentence in a detention facility in the Ivanovo region (Russia) for, among other things, aggravated murder and robbery. Relying on Article 6 (right to a fair trial), he alleges that the criminal proceedings against him were unfair because he was not given enough time to study the case file and because he was not represented by a lawyer during his appeal hearing in June 2003, his request for legal aid having been rejected.

[Oleynikov v. Russia \(no. 36703/04\)](#)

The applicant, Vladimir Oleynikov, is a Russian national who was born in 1946 and lives in Khabarovsk (Russia). The case concerns the immunity of a foreign State in relation to a commercial transaction. Mr Oleynikov complains in particular that the domestic courts refused to examine his claim for repayment of a loan he had made to the trade office of the North Korean Embassy based in Khabarovsk on the ground of State immunity. He relies on Article 6 § 1 (right of access to court) and Article 1 of Protocol No. 1 (protection of property).

[Salakhov and Islyamova v. Ukraine \(no. 28005/08\)](#)

The case concerns the lack of appropriate medical care given to a detainee, Linar Salakhov, a Ukrainian national, born in 1981, who died in August 2008 from AIDS two weeks after he was released from detention. His mother, Aliya Islyamova, a Ukrainian national, who was born in 1955 and lives in the town of Zuya in Crimea, has continued the application before the European Court of Human Rights on his behalf and has introduced her own complaints. Mr Salakhov was arrested in November 2007 on suspicion of robbing a mobile phone. In July 2008 he was found guilty of having acquired the mobile phone by fraud, and was sentenced to a fine. He remained in detention for two weeks after the verdict as a preventive measure pending its entry into force, despite his state of health being critical. The applicants complain/ed under Article 3 (prohibition of torture and of inhuman or degrading treatment) about the inadequate medical care during Mr Salakhov's detention, unjustified delays in his hospitalisation and permanent handcuffing once he was actually hospitalised. They also complain/ed under Article 2 (right to life) that the State had failed to protect his life. After Mr Salakhov died,

Ms Islyamova added to this complaint that the domestic investigation into the circumstances of her son's death was ineffective. The applicants also complain/ed that in June 2008 it had taken the Ukrainian authorities three days to comply with the European Court's indication under Rule 39 of its Rules of Court to immediately transfer Mr Salakhov to hospital for appropriate treatment, in breach of Article 34 (right of individual petition). Ms Islyamova blames the authorities for the death of her son and, further relying on Article 3, alleges mental suffering on account of the fact that she had to witness her son dying without adequate medical care while being in totally unjustified detention, subjected to permanent handcuffing and confronted with the indifference and cruelty of the authorities.

Repetitive cases

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

Asmayev v. Russia (no. 44142/05)

The applicant in this case complains of the quashing by way of supervisory review of a final judgment in his favour. He relies on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Yemelyanov and Others v. Russia (nos. 21264/07, 43829/08, 60248/08, 1816/09, 5416/09, 5701/09, 6508/09, 8405/09, 10909/09, 12060/09, 13103/09, 15963/09, 19404/09, 21141/09, 21989/09, 23370/09, 23527/09, 25767/09, 25915/09, 25943/09, 25945/09, 29651/09, 38969/09, 41432/09, 42663/09, 46508/09, 46648/09, 49456/09 and 58976/09)

These cases concern the delayed enforcement of judgments awarding a "housing allowance" to former workers at mines that had been closed down in the Kizel coal basin (Perm region, Russia). The applicants rely on Article 6 § 1 (right to a fair hearing), Article 1 of Protocol No. 1 (protection of property), and Article 13 (right to an effective remedy).

Length-of-proceedings cases

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

X-Code Lyseis Pliroforikis A.E. v. Greece (no. 57628/09)

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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.