



Forthcoming judgments

The European Court of Human Rights will be notifying in writing two judgments on Tuesday 30 April 2013 and 15 on Thursday 2 May 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 30 April 2013

Revision

[Gardean and S.C. Grup 95 v. Romania \(application no. 25787/04\)](#)

The initial applicants, Mr Adrian Gardean and the company S.C. Grup 95 SA, complained about the setting aside of a final judgment following an appeal for judicial review lodged by the Prosecutor General. In a judgment of 1 December 2009 the Court found a violation of Article 6 § 2 (right to a fair trial) of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention (protection of property), while reserving the question of just satisfaction. In February 2010, when the parties exchanged observations concerning Article 41 (just satisfaction), a new company informed the Court that it intended to continue the proceedings on behalf of the applicant company, with which it had signed a contract of sale shortly before it went into compulsory liquidation in May 2009. Relying on Rule 80 of the Rules of Court (request for revision of a judgment), the Romanian Government requested the revision of the judgment of 1 December 2009, considering that the sale was a new fact which might by its nature have a decisive influence on the outcome of the case.

[Ion Ciobanu v. Romania \(no. 67754/10\)](#)

The applicant is a Romanian national who was born in 1970 and is currently detained in Colibași prison (Romania). He served a prison sentence for robbery from January 2004 to June 2010, when he was released on licence. In October 2010 he was convicted of insulting behaviour and sent back to prison to serve the remainder of his initial sentence. Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Ciobanu complains of poor conditions of detention and the fact that he did not receive treatment for his diabetes while in prison.

Thursday 2 May 2013

[Barjamaj v. Greece \(no. 36657/11\)](#)

The applicant, Albano Barjamaj, is an Albanian national who was born in 1995 and lives in Artemida (Greece). In April 2011, when he was a minor, Mr Barjamaj was arrested for illegal entry into Greece and non-possession of a valid residence permit. He was remanded in custody pending a decision on his expulsion. Three days later, the Greek authorities ordered his expulsion and extended his detention to prevent him from absconding. Relying in particular on Article 5 §§ 1 and 4 (right to liberty and security and right to have the lawfulness of one's detention decided speedily by a court), Mr Barjamaj complains that he was never notified of the initial decision to place him in detention, and that he was only notified of the second decision three days after it was taken, which deprived him of the possibility of challenging its lawfulness.

[Chkhartishvili v. Greece \(no. 22910/10\)](#)

The applicant, Ketevan Chkhartishvili, is a Georgian national who was born in 1980 and lives in Drama (Greece). The case primarily concerns the conditions of her detention. After entering Greece with a three-month residence permit, Ms Chkhartishvili was remanded in custody pending a decision on her expulsion. She repeatedly challenged her continued detention and applied to have the decision to expel her set aside, but the Greek courts systematically rejected her requests. In April 2010, however, they did finally order her release, giving her ten days to leave the country. Relying on Article 3 (prohibition of inhuman or degrading treatment), Ms Chkhartishvili complains about the conditions of her detention by the immigration authorities. Relying on Article 5 §§ 1 and 4 (right to liberty and security and right to have the lawfulness of one's detention decided speedily by a court), she challenges the lawfulness of her initial and continued detention.

[Panteliou-Darne and Blantzouka v. Greece \(nos. 25143/08 and 25156/08\)](#)

The applicants, Dimitra Panteliou-Darne and Despina Blantzouka, are Greek nationals who were born in 1965 and 1962 respectively and live in Athens. They work for a public sector airline company and are married to public servants. Their family allowances were stopped following changes to the legislation which limited the right to family allowances to only one spouse when both spouses worked in the public sector. When this measure was declared unconstitutional they took legal action against their company in the Greek courts seeking retroactive payment of the unpaid sums. A series of court cases followed, until the court of appeal found that the applicants' claim abusive. The Court of Cassation rejected the applicants' appeal and upheld the previous court judgments. Relying on Article 1 of Protocol No.1 (protection of property), Ms Panteliou-Darne and Ms Blantzouka complain that they had been unjustly deprived of their right to family allowances.

[Kristiansen and Tyvik As v. Norway \(no. 25498/08\)](#)

The applicants in this case are Arne Kristiansen, a Norwegian national who was born in 1931, and Tyvik A/S, a limited liability company established under Norwegian law. In November 1990 Mr Kristiansen applied for a patent to the Norwegian Industrial Property Office for a particular method of propulsion of aircrafts and sea vessels. The patent authorities finally rejected the application in September 2008. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time and access to court) and Article 13 (right to an effective remedy), he complains about the excessive length of the administrative proceedings before the national patent authorities as well as the 20 years' limitation on patent protection under the relevant domestic law, which meant in effect that he was deprived of access to a court.

[Petukhova v. Russia \(no. 28796/07\)](#)

The applicant, Alla Petukhova, is a Russian national who was born in 1937 and lives in Moscow. In January 2006 the police requested a domestic court to order involuntary psychiatric examination of Ms Petukhova following complaints received from her neighbours about her shouting, walking naked in the street and accusing them of various offences. The case concerns Ms Petukhova's complaint that, as a result, she was forcibly taken to a police station on 1 December 2006 and detained for four hours before being taken to a psychiatric facility for involuntary examination. She was diagnosed with paranoid schizophrenia, immediately hospitalised and discharged on 4 December 2006. Relying on Article 5 § 1 (b) and (e) (right to liberty and security), she alleges that she was unlawfully deprived of her liberty on 1 December 2006 with a view to carrying out a psychiatric examination against her will, and unlawfully hospitalised from 1 to 4 December 2006.

[Samartsev v. Russia \(no. 44283/06\)](#)

The applicant, Sergey Samartsev, is a Russian national who was born in 1970 and is currently in prison following his conviction in 2006 of two murders. The case notably concerns Mr Samartsev's complaints of ill-treatment by the police during the criminal proceedings against him. He alleges in particular that he was severely beaten by police officers in May and June 2005 in order to force him into confessing to the murders as well as another crime, and that the ensuing official investigations into these allegations were inadequate. He also complains that he was held in deplorable conditions in a severely overcrowded temporary detention ward from May 2005 to February 2006. He relies on Article 3 (prohibition of inhuman or degrading treatment).

[Zagidulina v. Russia \(no. 11737/06\)](#)

The applicant, Zelfruz Zagidulina, is a Russian national who was born in 1935 and lives in Moscow. Relying on Article 5 §§ 1 and 4 (right to liberty and security), Ms Zagidulina complains that she was placed in a Moscow psychiatric hospital against her will between 13 May and 17 June 2005. She alleges that, visiting her daughter in the psychiatric hospital – who was being treated for a mental disorder – to demand her immediate release, she ended up also being admitted when the psychiatrist on duty – considering her to be anxious and delusional – recommended her hospitalisation. Ms Zagidulina also complains that she was not able to participate in the ensuing judicial proceedings to review her internment as she had been totally unaware of them.

Repetitive cases

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

Dreval and Others v. Russia (no. 40075/03)

The applicants in this case complain of the lengthy non-enforcement of a binding judgment awarding them social housing. They rely on Article 6 § 1 (right to a fair hearing within a reasonable time).

Sakharova v. Russia (no. 15037/05)

The applicant in this case, the widow of a military officer, complains of the quashing of a final binding judgment in her favour for pension arrears. She relies on 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 civil proceedings.

Domančić v. Croatia (no. 18786/11)

Goudoumas v. Greece (no. 62459/09)

Pospekh v. Russia (no. 31948/05)

Tyukov v. Russia (no. 16609/05)

Savenkova v. Ukraine (no. 4469/07)

In the following case, the applicant complains in particular about the excessive length of criminal proceedings brought against him for drug trafficking and extortion.

Bečeheli v. Croatia (no. 8855/08)

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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.