



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing seven judgments on Tuesday 19 May 2015 and 91 judgments and / or decisions on Thursday 21 May 2015.

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

### Tuesday 19 May 2015

#### [Petkov and Parnarov v. Bulgaria \(application no. 59273/10\)](#)

The applicants, Plamen Petkov Petkov and Petar Danailov Parnarov, are Bulgarian nationals. They were born in 1982 and 1978 respectively and live in Sofia. The case concerns their complaint that they were ill-treated by police officers.

Mr Petkov and Mr Parnarov claim that on the night of 3 July 2009 they attempted to intervene between a group of young girls who were being assaulted and their assailants. A police patrol arrived at the scene, but instead of pursuing the fleeing assailants the police officers beat Mr Petkov and Mr Parnarov up and took them to the police station, where they were remanded in custody and then charged with disrupting public order. They were finally released on 7 July 2009, and in 2010 the Sofia District Court acquitted them of all the charges against them.

After their release Mr Petkov and Mr Parnarov were examined by a forensic medical expert, who found several injuries which might have been caused by police ill-treatment at the time of their arrest. They then lodged a complaint and a preliminary investigation was conducted, after which no formal decision was taken. However, the prosecutor decided to prosecute Mr Petkov and Mr Parnarov for wrongfully accusing the police officers. Mr Petkov and Mr Parnarov were acquitted by judgment of the Sofia District Court, which judgment was upheld on appeal by the Sofia City Court on 7 November 2011. These courts considered that the applicants were justified in concluding that by arresting them in such a heavy-handed manner instead of assisting them in the wake of the altercation with the other individuals, the police officers had been acting in excess of their authority. Mr Petkov and Mr Parnarov claimed compensation for their wrongful accusation. The Sofia District Court partly upheld Mr Parnarov's claim, whereas in June 2014 Mr Petkov's claim was still pending.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Petkov and Mr Parnarov complain that they were ill-treated by the police officers who arrested them. Relying on Articles 3 and 13 (right to an effective remedy), they complain of the lack of an effective investigation into their complaint and the fact that they themselves were prosecuted for wrongful accusation.

#### [Anton v. Romania \(no. 57365/12\)](#)

The applicant, Florin Anton, is a Romanian national. He was born in 1984 and lives in Bucharest.

The case concerns acts of violence and ill-treatment allegedly inflicted on Mr Anton by several police officers during an investigation into a number of thefts.

Suspected of having committed a number of thefts, Mr Anton was arrested on 26 August 2010 by the Ilfov county police. The applicant claims that throughout this operation until his placement in custody he suffered repeated acts of physical violence from the police officers, geared to extorting a

confession from him. The medical record drawn up prior to his placement in police custody mentioned traces of violent assault.

Mr Anton was charged and remanded in custody. On 28 August 2010 he was taken to hospital for emergency treatment, where a number of injuries to his body were noted. On 15 September 2010 an investigation was instigated by the prosecutor of the Bucharest Court of Appeal following a report by a delegation from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Mr Anton lodged a complaint on 8 October 2010 regarding the alleged violence against him. It was decided not to prosecute some of the police officers whom Mr Anton had specifically identified or to launch a fresh investigation, and to discontinue the prosecution of some other police officers. Mr Anton contested the discontinuance decision, although it was upheld on 23 November 2011. Relying on the lack of effective investigations by the prosecution, he lodged an appeal with the Bucharest Court of Appeal, which dismissed it on 7 June 2012. Concurrently, the prosecutor attached to the Bucharest County Court gave a decision discontinuing the proceedings against a number of other police officers, three of whom had also been identified by the applicant as having attacked him. Mr Anton states that he challenged this decision of discontinuance but received no reply from the Romanian authorities.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Anton complains that he did not benefit from an effective investigation into his complaint against the police officers who had physically assaulted him.

#### [Fălie v. Romania \(no. 23257/04\)](#)

The applicant, Dragoş Fălie, is a Romanian national. He was born in 1951 and lives in Bucharest.

The case concerns his right of access to court, namely the dismissing of his civil action by the Court of Appeal in the context of property proceedings.

In 1999, Mr Fălie bought a house in Bucharest and the land on which it was built. It was adjacent to a parcel of land which had been purchased by two other parties in 1948. In 2001 Mr Fălie lodged a civil action against those third parties, in order to obtain the demarcation of the adjacent parcels and the return of an area of land, which was allegedly being illegally occupied by the third parties. The Bucharest District Court, and subsequently the Bucharest County Court, allowed the applicant's action on the basis of expert reports.

On 26 November 2003, the Bucharest Court of Appeal allowed the defendants' appeal on points of law, quashed the decisions of the first two courts and dismissed Mr Fălie's action. It held that both he and the defendants had in their possession smaller areas of land than those mentioned in their respective contracts of acquisition. It also held that the parties could bring a fresh action only if they could not reach a friendly settlement.

Relying in particular on Article 6 § 1 (right to a fair trial), Mr Fălie alleges that the national court of last resort has dismissed his civil complaint without deciding on its merits, thus infringing his right to peaceful enjoyment of his possessions.

#### [Revision](#)

#### [Nicolae Augustin Rădulescu v. Romania \(no. 17295/10\)](#)

The case concerned detention conditions in Jilava Prison near Bucharest. The applicant, Nicolae Augustin Rădulescu, is a Romanian national who was born in 1966 and lived in Bucharest. He complained about the conditions of his detention in Jilava Prison following his conviction of fraud. Mr Rădulescu had served his sentence from September 2008 to November 2010. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complained in particular about overcrowding and lack of hygiene.

In its [judgment](#) delivered on 11 February 2014, the Court held that there had been a violation of Article 3 and awarded the applicant 5,000 euros (EUR) for non-pecuniary damage.

On 22 July 2014 the Government informed the Court that they had learned that the applicant had died on 10 April 2013. They accordingly requested revision of the judgment of 11 February 2014, which they had been unable to execute because the applicant had died before the judgment had been adopted. They asked the Court to strike the case out and abate the award of just satisfaction.

The Court will examine the Government's request for revision in its judgment of 19 May 2015.

### [Lupeni Greek Catholic Parish and Others v. Romania \(no. 76943/11\)](#)

The applicants are the Lupeni Greek Catholic Parish (Romania), the Lugoj Greek Catholic Diocese (Romania) and the Lupeni Greek Catholic Archpriesthood. They belong to the Eastern-Rite Catholic (Greek Catholic or Uniate) Church.

The case concerns the restitution of religious sites belonging to the Greek-Catholic Church which were transferred to the Orthodox Church under the totalitarian regime, and more specifically the issue of implementing special legislation to determine the legal status of such property.

After the fall of the Communist regime in 1989 Romanian legislation (Legislative Decree No. 126/1990, hereafter "special legislation") provided that the legal status of property which had belonged to the Greek Catholic Church would be determined by joint commissions comprising representatives of both denominations taking account of the "wishes of the adherents of the communities which own these properties". In the event of disagreement, a party with an interest in bringing proceedings could do so under ordinary law. The applicant organisations were dissolved in 1948, and in 1967 a church and an adjoining courtyard which had belonged to the Lupeni Greek Catholic Parish were transferred to the ownership of the Romanian Orthodox Church. The applicant parish was legally re-established on 12 August 1996. It comes under the Lugoj Greek Catholic Diocese (the second applicant) and the Lupeni Greek Catholic Archpriesthood (the third applicant). In 2001 the applicants took legal action to obtain restitution of the church and the adjoining courtyard.

In 2009 the County Court granted the applicants' legal action, but it was subsequently dismissed by the Court of Appeal in 2010. By final judgment of 15 June 2011, the Supreme Court upheld the judgment delivered by the Court of Appeal on the grounds that the latter had rightly applied the criterion of the wishes of the (mostly Orthodox) congregation which owned the building, simultaneously highlighting the anomalies in the reasoning of the first-instance court, which had merely compared the title deeds without reference to the special legislation.

Complaining of the refusal by the Romanian courts to adjudicate on what they consider to be their ownership rights over a religious building under ordinary law, the applicants complain in particular of the infringement of their right of access to a tribunal and of the principle of legal certainty as protected by Article 6 § 1 (right to a fair trial within a reasonable time). Under the same Article, they also complain of the length of the restitution procedure for the church in question. They further complain of the infringement of the right of respect for their property as protected by Article 1 (protection of property) of Protocol No. 1 and their freedom of religion (Article 9), as well as a violation of the prohibition of discrimination (Article 14).

[The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.](#)

These rulings can be consulted from the day of their delivery on the Court's online database [HUDOC](#).

They will not appear in the press release issued on that day.

**Mongelli and Others v. Italy (no. 40205/02)**

**Căpitan and Others v. Romania** (nos. 16497/06, 43943/06, 5579/07, 35907/07, 30448/08, 32241/08, 43154/08, 1411/09, 3044/09, 16199/09, 29686/09, 23802/10, 43022/10, 1799/11, and 65420/11)

Thursday 21 May 2015

### [Yengo v. France \(no. 50494/12\)](#)

The applicant, Paul Yengo, is a French national. He was born in 1951 and lives in Mare (New Caledonia). The case concerns his complaint about his conditions of detention in Nouméa.

In 2011, by order of the investigating judge, Mr Yengo was charged with various criminal offences and remanded in custody in the remand centre at the Camp Est prison in Nouméa. He appealed to the interlocutory proceedings panel against this order, denouncing his conditions of detention. He explained that he was being held with five other detainees in a cell measuring 3 metres by 5 metres in appallingly unhygienic conditions. In 2011, however, the interlocutory proceedings panel upheld the order without going into the applicant's conditions of detention.

Mr Yengo then submitted an application for release from detention, once again criticising his conditions of detention. His application was dismissed by the pre-trial judge, and subsequently on appeal by the interlocutory proceedings panel. Mr Yengo then lodged an appeal on points of law, availing himself of the "emergency recommendations" issued by the Inspector General of Prisons following his visit to the prison in Nouméa. In the said emergency recommendations (this was the first time this procedure had been used) the Inspector General had informed the authorities that he had found a serious violation of the fundamental rights, and set them a deadline for setting matters aright. Mr Yengo's appeal on points of law was nevertheless dismissed by judgment of 29 February 2012.

On 15 May 2012 Mr Yengo was released from detention by order of the investigating judge, who found that his detention was no longer necessary for the establishment of the truth. On 31 July 2012 the urgent applications judge of New Caledonia Administrative Court, on an application by Mr Yengo and 29 other detainees, ordered the State to advance them an interim payment on account towards the compensation for the non-material damage they had suffered because of their conditions of detention.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Yengo complains of the conditions of detention inflicted on him at the Camp Est prison in Nouméa.

### [Mukhitdinov v. Russia \(no. 20999/14\)](#)

The applicant, Lutpiddin Mukhitdinov, was born in 1967 in the Uzbek SSR of the USSR and has lived in Russia since 1997. He acquired Russian nationality in 2001 but has been stateless since the Russian Federal Migration Service cancelled his Russian passport in 2013, on the ground that he had obtained Russian nationality by fraud. According to the authorities of Uzbekistan, he has forfeited his Uzbek nationality because of his unaccounted absence from the country for more than five years.

The case concerns Mr Mukhitdinov's complaint that his extradition to Uzbekistan, as authorised by the Russian courts, would expose him to a real risk of ill-treatment, and his disappearance after having been released from detention in Russia.

Mr Mukhitdinov was arrested in Tyumen, Russia, in June 2013 and subsequently placed in detention pending his extradition to Uzbekistan, where he was wanted after having been charged with, in particular, participation in a religious terrorist organisation. The order for his detention was subsequently extended several times until he was released on 11 March 2014.

In December 2013, the Russian Prosecutor General approved Mr Mukhitdinov's extradition to Uzbekistan, noting in particular that the Uzbek authorities had provided assurances that he would not be subjected to torture or other forms of ill-treatment. Mr Mukhitdinov's appeals against the extradition order were rejected, that decision being eventually upheld by the Supreme Court on 19 March 2014. Meanwhile, following Mr Mukhitdinov's request, the European Court of Human Rights, on 17 March 2014, indicated to the Russian Government, under Rule 39 (interim measures) of its Rules of Court, that he should not be extradited or otherwise involuntarily removed from Russia for the duration of the proceedings before the European Court.

In July 2014, Mr Mukhitdinov was taken away from his home by officers of the Federal Migration Service. According to the Russian Government, he was subsequently released again and disappeared. His representative submitted that she had information that he was in police custody and was to be transferred to Uzbekistan. Following a request by the European Court of Human Rights for factual information concerning the circumstances of Mr Mukhitdinov's disappearance, the Russian Government replied that his current whereabouts were not known.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Mukhitdinov initially complained that the Russian authorities had failed to consider his claims that he risked ill-treatment if extradited to Uzbekistan, and that if the extradition was to take place it would expose him to the risk of such treatment. He also complained, under Article 13 (right to an effective remedy) in conjunction with Article 3, that he did not have an effective remedy in respect of his complaint. Relying further on Article 5 §§ 1 (f) and 4 (right to liberty and security / right to have lawfulness of detention decided speedily by a court), he complained that his detention after 30 December 2013 was unlawful and that he was unable to obtain a judicial review of his detention. Following his disappearance, his representative also alleges that his disappearance and possible unlawful removal from Russia, the failure of the Russian authorities to put in place the necessary protective measures, and a lack of an effective investigation into the matter were in breach of the interim measure indicated by the Court under Rule 39 of its Rules of Court, and thus in violation of Article 34 (right of individual petition) of the Convention.

#### [Zavodnik v. Slovenia \(no. 53723/13\)](#)

The applicant, Stanislav Zavodnik, is a Slovenian national who was born in 1938 and lives in Ravne na Koroškem (Slovenia). The case concerns his complaint that a set of bankruptcy proceedings against his former employer, in which he lodged a claim for payment of salary arrears, was unfair and excessively long.

Mr Zavodnik is a former employee of the company Z.R. After the company had transferred him to another employer, he brought proceedings against Z.R. In 1997 a labour court granted his claims. Having established that the transfer had never taken effect and that Mr Zavodnik's employment with Z.R. had continued, the court ordered Z.R. to pay him the salary and the benefits to which he was entitled from the day of his transfer. In 1999 the decision became final. As the company Z.R. had not made those payments by April 2000, Mr Zavodnik brought enforcement proceedings. In July 2000 those proceedings were suspended pending a final resolution of bankruptcy proceedings which had been brought against the company Z.R. before a district court.

Mr Zavodnik subsequently lodged a claim in the bankruptcy proceedings seeking the payment of the equivalent of approximately 8,346 euros, as ordered by the 1997 labour court judgment. After some delays related to the resolution of another set of bankruptcy proceedings, the hearing on the distribution of the company's estate was held in September 2008, and the court accepted the receiver's distribution proposal. The court's decision was posted on the court's notice board on the day following the hearing. As Mr Zavodnik had not been notified of the hearing – its date had only been announced two months earlier in the official gazette and on the court's notice board – he only became aware of the decision a few weeks later, after the eight-day time-limit for challenging it had

expired. In November 2008 the court decided to terminate the proceedings. Mr Zavodnik's appeals against that decision – arguing in particular that he had not been properly informed about the relevant hearing and that he should have been awarded the full amount claimed – were dismissed. His constitutional complaint was eventually rejected in December 2009.

Relying on Article 6 § 1 (right to a fair trial), Mr Zavodnik complains that the proceedings were unfair, since he was not properly notified of the hearing in September 2008 and was thus prevented from participating in it and lodging an appeal within the relevant time-limit. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), he further complains that the proceedings were excessively long and that the remedies available to him in Slovenia in respect of the length of the proceedings were ineffective.

**The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.**

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**Appel v. Croatia** (no. 63463/13)

**Beslic v. Croatia** (no. 75603/13)

**Devic v. Croatia** (no. 56599/14)

**Kusenec v. Croatia** (no. 34515/13)

**Markulin v. Croatia** (no. 24271/13)

**Odak v. Croatia** (no. 24290/13)

**Ruzic v. Croatia** (no. 28051/14)

**Simoncic v. Croatia** (no. 51899/13)

**Skovrlj v. Croatia** (no. 21044/13)

**Talan v. Croatia** (no. 57620/14)

**Z and Others v. Croatia** (no. 57812/13)

**Zic v. Croatia** (no. 39293/14)

**Haddad v. France** (no. 10485/13)

**Malon v. France** (no. 32770/11)

**Peduzzi v. France** (no. 23487/12)

**O.K. v. Georgia** (no. 44851/09)

**Union of Jehovah's Witnesses and Others v. Georgia** (no. 72874/01)

**Ahmet Bezek and Sinan Bezek v. Germany** (nos. 4211/12 and 5850/12)

**Drougas v. Greece** (no. 43620/14)

**Goros and Others v. Greece** (nos. 65048/09, 38381/10, 45057/10, 54340/10, 69517/10, and 70913/10)

**Grigoriou-Kanari v. Greece** (no. 39631/13)

**Kalli v. Greece** (no. 76453/11)

**Karabetsos and Others v. Greece** (no. 21412/12)

**Karakostas v. Greece** (no. 45500/12)

**Kokkalaki v. Greece** (no. 64838/10)

**Koumoutsea and Others v. Greece** (no. 36339/14)

**Kouna v. Greece** (no. 59650/11)

**Krokidi and Others v. Greece** (no. 36344/14)

**Orfanoudaki and Others v. Greece** (nos. 13576/09, 38079/09, 62288/09, 63640/09, 2557/10, 13601/10, 17191/10, 19966/10, 21340/10, 21391/10, 36117/10, 39760/10, and 60849/10)

**Papadopoulou-Kombocholi v. Greece** (no. 66068/10)

**Skroumbelou v. Greece** (no. 20033/12)

**Stiropoulou and Others v. Greece** (no. 77033/11)

**Tsatsa v. Greece** (no. 63695/12)

Tserpes v. Greece (no. 27805/13)  
Vasarmidis v. Greece (no. 51168/11)  
Vlachakis v. Greece (no. 37705/14)  
Xynopoulou and Papazoglou v. Greece (no. 62674/12)  
De Luca v. Italy (no. 9249/05)  
Kaulakans v. Latvia (no. 40757/09)  
Chiriac v. Republic of Moldova (no. 35401/11)  
Toporovschi v. Republic of Moldova (no. 50857/08)  
Basarat v. the Netherlands (no. 43108/12)  
Chylinski and Others v. the Netherlands (nos. 38044/12, 40958/12, and 50642/12)  
Kasangaki v. the Netherlands (no. 44696/13)  
Ovran and Others v. the Netherlands (no. 51016/11)  
Damrath v. Poland (no. 58664/12)  
Kornaus v. Poland (no. 22356/14)  
Pogoda v. Poland (no. 31210/11)  
Prezyna v. Poland (no. 14750/13)  
Szwed-Wojtowicz v. Poland (no. 48369/09)  
Dinu v. Romania (no. 35913/10)  
Drăgună and Others v. Romania (nos. 864/13, 17392/13, 22165/13, 47938/13, 52867/13, and 54100/13)  
Gancea and Suci v. Romania (no. 12127/11)  
Hentea v. Romania (no. 16210/13)  
Hidec v. Romania (no. 22307/12)  
Ilie Guță and Others v. Romania (nos. 36255/05, 20167/08, 21294/08, 25300/09, 46087/09, and 72306/13)  
Iorgu v. Romania (no. 17672/14)  
Manuela-Coca Popa v. Romania (no. 6834/14)  
Naziru v. Romania (no. 9473/10)  
Petroff v. Romania (no. 31935/11)  
Sandor v. Romania (no. 65057/11)  
Simionovici v. Romania (no. 24696/14)  
Tucaliuc v. Romania (no. 26939/06)  
Anokhina v. Russia (no. 15259/13)  
Balandin v. Russia (no. 53773/07)  
Belyaev and Doroshchenko v. Russia (nos. 5987/13 and 13686/13)  
Fironov and Others v. Russia (nos. 52856/10, 19643/11, 33488/11, 70636/12, and 22095/13)  
Khkhuchuyeva v. Russia (no. 3232/09)  
Mumryayev v. Russia (no. 52025/13)  
Trilevich v. Russia (no. 30752/06)  
Zarkovy v. Russia (no. 53587/11)  
Duracka v. Slovakia (no. 11810/12)  
Hoferova v. Slovakia (no. 75368/13)  
Hvizdak v. Slovakia (no. 76634/12)  
Lohnertova v. Slovakia (no. 67527/14)  
Palsova v. Slovakia (no. 45247/11)  
Sarkocy v. Slovakia (no. 62656/13)  
Sarkocy v. Slovakia (no. 65736/13)  
Vicanova v. Slovakia (no. 63857/14)  
Zuffova v. Slovakia (no. 79310/12)  
Hajrudinović v. Slovenia (no. 69319/12)  
Carpelan v. Sweden (no. 51454/11)

**Dimitrijoski v. “The former Yugoslav Republic of Macedonia”** (no. 3129/04) – **Revision**  
**Micov and Others v. “The former Yugoslav Republic of Macedonia”** (no. 3723/12)  
**Nikolova v. “The former Yugoslav Republic of Macedonia”** (no. 31154/07)  
**Ignatkina v. Ukraine** (no. 70758/12)  
**Volovod v. Ukraine** (no. 527/07)  
**S.S. and Others v. the United Kingdom** (nos. 40356/10 and 54466/10)

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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.