EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
issued by the Registrar of the Court

ECHR 014 (2017)
20.01.2017

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 10 judgments on Tuesday 24 January 2017 and 23 judgments and / or decisions on Thursday 26 January 2017.

*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)*

Tuesday 24 January 2017

Hiernaux v. Belgium (application no. 28022/15)

The applicant, Anne-France Hiernaux, is a Belgian national who was born in 1968 and lives in Nivelles (Belgium).

The case concerns the length of the closing of the criminal investigation conducted into the leaders of the Belgian Church of Scientology, to which Ms Hiernaux belonged.

In 1997 and again in 2008 two criminal investigations were opened into the Church of Scientology (ESB) and its leadership, including Ms Hiernaux. The cases were joined in May 2013, and Ms Hiernaux and several other persons were charged and then committed for trial before the Brussels Court of First Instance in March 2014.

Before the Committals Division, Ms Hiernaux complained that there had been a breach of the reasonable-time requirement and asked the court to find the prosecution inadmissible, but her complaints were dismissed. The Committals Division considered that it was not appropriate to penalise the failure to comply with the reasonable-time requirement at that stage of the proceedings, and that the passage of time had not resulted in the loss or deterioration of evidence and had not prevented the defence from exercising its rights in the ongoing proceedings. That decision was upheld on appeal and following an appeal on points of law.

In its judgment of 11 March 2016, the Brussels Court of First Instance found that the proceedings had not been conducted within a reasonable time. However, it held that the entire proceedings had been unfair, since the investigation had been biased and no offences had been committed, and concluded that the prosecution was inadmissible.

Relying on Article 13 (right to an effective remedy) taken together with Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights, Ms Hiernaux alleges that she did not have an effective remedy in order to raise her complaint about the excessive length of the criminal proceedings brought against her.

J.R. v. Belgium (no. 56367/09)

The applicant, J.R., is a Belgian national who was born in 1961 and lives in Leuze (Belgium).

The case concerns the length of the criminal proceedings brought against the father of a family (J.R.), who was accused of being the person behind a murder committed by his son.

In September 2003 C.R., J.R.'s son, killed his mother. He subsequently explained to the authorities that his parents had separated; some of the couple's 10 children lived with their mother, and others with their father; he lived with his father, whom he accused of having instructed him to commit the murder.

In May 2004 a warrant was issued for J.R.'s arrest by an investigating judge of the Tournai Court of First Instance; he was released a few days later by the Indictments Division of the Mons Court of Appeal on the ground that there was insufficient evidence pointing to his guilt. In April 2014 J.R. asked that the prosecution be declared inadmissible because a reasonable time had been exceeded, but the Indictments Division dismissed his request. In May 2016 the Indictments Division decided to send C.R. for trial before the criminal court and ordered that the proceedings against J.R. be discontinued, holding that there was insufficient evidence against him.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), J.R. complains about the length of the investigation against him.

Fridman v. Lithuania (no. 40947/11)

The applicant, Artur Fridman, is a Lithuanian national who was born in 1980 and lives in Vilnius. The case concerns his allegation that he was not notified about an oral hearing.

Mr Fridman was involved in a civil dispute, concerning a contract under which he had agreed to provide lifelong maintenance to an elderly woman, in return for the rights to her apartment. The elderly woman lodged an application to have the contract terminated, on the grounds that Mr Fridman had not fulfilled his obligations. The Vilnius Regional Court ruled in her favour, and annulled the contract. Mr Fridman appealed.

His appeal was considered by the Court of Appeal, in a hearing attended by the lawyer of the elderly woman, but not Mr Fridman or his representative. The court upheld the first instance judgment. Mr Fridman lodged three cassation appeals with the Supreme Court, claiming that he had not been informed about the Court of Appeal hearing in due time. The Supreme Court refused to examine these in November 2010, December 2010, and January 2011.

Relying on Article 6 § 1 (right to a fair hearing), Mr Fridman complains that he was not duly notified of the oral hearing before the Court of Appeal, in violation of his defence rights and the principle of equality of arms.

Liatukas v. Lithuania (no. 27376/11)

The applicant, Vygandas Liatukas, is a Lithuanian national who was born in 1956 and lives in Kaunas (Lithuania). He complains that a claimant in a civil case brought against him was allowed to appeal the judgment at first instance, even though the appeal was lodged in breach of procedural rules.

Mr Liatukas was left an inheritance by his late mother, which he decided to renounce in favour of his sister. Two individuals lodged civil claims against him, complaining that he was under an obligation to pay them maintenance, that he had avoided doing so on the grounds that he was insolvent, and that he had *de facto* accepted the inheritance by using his mother's estate. They requested that his renouncement be annulled.

The claimants were partially successful at first instance, as the Kaunas District Court annulled the renouncement but held that there was insufficient evidence that Mr Liatukas had *de facto* accepted the inheritance. The judgment was appealed by both Mr Liatukas and one of the claimants. The Kaunas District Court refused to accept the claimant's appeal because of formal deficiencies, and gave her ten days to correct them. It later ruled that no corrected appeal had been submitted, and that the claimant had therefore not appealed.

The case was transferred to the Kaunus Regional Court. Despite its earlier ruling, the District Court referred the appeals of both Mr Liatukas and the appealing claimant. In September 2010 the Regional Court upheld the claimant's appeal, and dismissed the appeal made by Mr Liatukas. Mr Liatukas submitted a further appeal to the Supreme Court, but in December 2010 the court refused to examine it.

Relying on Article 6 § 1 (right to a fair hearing), Mr Liatukas complains that the domestic courts accepted the claimant's appeal and upheld it to his detriment, even though the appeal had been lodged in breach of procedural rules.

Paulikas v. Lithuania (no. 57435/09)

The applicant, Saulius Paulikas, is a Lithuanian national who was born in 1980 and lives in Skuodas (Lithuania). Mr Paulikas worked as a traffic police officer, and the case concerns his conviction for drunk driving.

On the afternoon of 7 November 2007, three ten-year-old children were killed after being hit by a car in the village of Aleksandrija in the Skuodas region. The following morning, Mr Paulikas turned himself in to police and confessed that he had been driving the car.

The accident attracted considerable media coverage, which linked it to allegations of there being an endemic problem of drunk police officers causing traffic accidents. The Police Commissioner General, the Minister of the Interior and several politicians made statements about the accident and the wider issue. On 12 November 2007 the Police Commissioner General and the Minister of the Interior resigned. On the same day, after accepting their resignations, the President of Lithuania issued an official statement, referring to the events directly, and linking them to wider problems in the police force.

Mr Paulikas was charged with a breach of road traffic regulations while being under the influence of alcohol which resulted in the death of other persons, and with a failure to provide assistance to persons in a life-threatening situation. He admitted that he had been driving the car, but denied that he had been drunk or that he had exceeded the speed limit, claiming that the accident had been caused by the weather and the reckless actions of some of the children. The significant media coverage continued throughout the trial, including articles in a number of publications referring to Mr Paulikas as "a killer of children" and witnesses testifying for the defence as "defenders of the killer of children".

The Klaipėda District Court found Mr Paulikas guilty on both counts, holding that he had been under the influence of alcohol, driving at twice the speed limit, and that he had immediately fled the scene after the accident. He was sentenced to 10 years' imprisonment, and ordered to pay a total of 3,000,000 Lithuanian Litai in damages to the families of the three children.

Mr Paulikas appealed the conviction and sentence, claiming that his trial had been unfair due to the public statements made by State officials and the media campaign against him. He also complained that he had been given a stricter punishment because he had been a police officer. The Klaipėda Regional Court rejected his complaint of an unfair trial, but did reduce his sentence to nine years' imprisonment, and the damages to 900,000 litai. Mr Paulikas lodged a cassation appeal, but the Supreme Court dismissed this on 8 May 2009.

Relying on Article 6 § 1 (right to a fair hearing) and Article 6 § 2 (presumption of innocence), Mr Paulikas complains that he did not receive a fair trial because of the media reports and public comments by State officials; in particular, because these breached his right to the presumption of innocence. Relying on Article 14 (prohibition of discrimination) read in conjunction with Article 6, he complains that his role as a police officer was unfairly taken into consideration by the domestic courts when determining his guilt and sentence.

Koprivnikar v. Slovenia (no. 67503/13)

The applicant, Mr Boštjan Koprivnikar, is a Slovenian national who was born in 1979 and is currently detained in Dob pri Mirni prison (Slovenia). Mr Koprivnikar alleges that the imposition of an overall thirty-year prison sentence on him was in breach of the principle of 'no punishment without law.'

Between 2004 and 2009, Mr Koprivnikar was convicted of three separate criminal offences: robbery, murder, and of having paid with a bad cheque and of fraudulent use of a bank card He was sentenced to prison terms of four years, thirty years, and five months respectively for each of the crimes.

In January 2012 the Ljubljana District Court joined the three prison sentences together in an overall sentence of 30 years. In doing so, the court decided not to apply a provision contained in the 2008 Criminal Code, which indicated that the maximum length of a combined prison sentence should be 20 years. The court reiterated that one of the requirements of the rule of law is that criminal law provisions be drafted in a clear and reasonably precise manner. It identified that the relevant provision in the 2008 Code was unclear and ambiguous, as the legislation established that the maximum sentence applicable was thirty years, but limited the overall length of a combined sentence to 20 years. The court took the view that the legislature had not intended to enable offenders who had been sentenced to 30 years' imprisonment for one offence to benefit from a lower maximum combined term of imprisonment of 20 years. Indeed, the court noted that the (prior) 1994 Code had contained a 30-year limit for combined sentences, and that the 2008 Code had been amended in 2011, replacing the 20 year maximum for overall sentences with a 30 year maximum. The court concluded that the legislature had erred in the drafting of the 2008 Criminal Code, and decided not to apply the 20 year limit.

Mr Koprivnikar appealed against the judgment, arguing that it breached the principles of no crime without law and no punishment without law; and that the primary method of interpreting legal texts should be semantic interpretation. The Ljubljana Higher Court rejected the appeal in 2012, reiterating the lower court's reasoning. Mr Koprivnikar then appealed to the Supreme Court, which found that the provision could not be interpreted entirely separately from both its historical context and the subsequent amendment, which showed the true aim of the provision. Mr Koprivnikar then appealed to the Constitutional Court, which dismissed his complaint. In March 2015, Mr Koprivnikar was convicted of another murder (committed in 2002) and a new 30-year overall sentence was imposed on him. His appeal to the Supreme Court was dismissed in June 2016.

Relying on Article 7 of the Convention (no punishment without law), Mr Koprivnikar complains that the overall prison sentence of 30 years imposed on him by the judgment of January 2012 was in breach of the principle that only the law can define a crime and prescribe a penalty.

Valant v. Slovenia (no. 23912/12)

The applicant, Mr Samo Valant, was born in 1965 and lives in Tržišče (Slovenia). He alleges that the seizure of his car by Slovenian authorities interfered unlawfully with his property rights.

Mr Valant is a former rally driver who has won several national titles and was still racing competitively at the time of the events in question. On 17 December 2002, the police searched Mr Valant's car repair shop and seized a Fiat Punto racing car, the car's registration papers, and other documents. He was suspected of forgery and of smuggling the car from Austria to Slovenia to avoid customs duties. Mr Valant requested the return of the car several times, as he needed it for future competitions from which he was unable to withdraw, due to contractual obligations with his sponsors. In March 2003, he leased another racing car at a cost of EUR 74,600, which he used for the entire 2003 season.

In May 2003, the Novo mesto District Public Prosecutor dropped the prosecution for smuggling and in June 2003, the Novo mesto District Court discontinued the criminal investigation of that crime. The criminal investigation for forgery remained, and proceedings were transferred to the Trebnje Local Court.

Customs offences proceedings were also instituted against Mr Valant. Based on the police's findings, the Customs Office found in June 2003 that he had brought a Fiat Punto car into Slovenia in 2002 without paying any customs duty on it. It calculated the customs duties, VAT, and vehicle tax at

5,472,143 Slovenian tolars (approximately EUR 22,000). Mr Valant paid the customs duties in July 2003 and the car was returned to him. In June 2004, the proceedings for customs offences were discontinued because they had become time-barred.

In March 2005, Mr Valant instituted civil proceedings against the Republic of Slovenia before the Ljubljana District Court, claiming EUR 74,600 in compensation for the pecuniary losses sustained due to the seizure of his car. His case was dismissed, as was his appeal to the Ljubljana Higher Court.

In the ongoing criminal proceedings for the forgery charge against Mr Valant, in April 2007 the Trebnje Local Court held that the search and seizure warrant had been unlawful, and dismissed the case. As a result of this finding, Mr Valant had the civil proceedings reopened, arguing that the decision on the unlawfulness of the search warrant and the discontinuation of criminal proceedings should be considered as new evidence which could influence the outcome of the claim. The court found that, while the seizure of the car had been unlawful, the causal link between this and the loss incurred by Mr Valant had been broken, among other things, by the fact that Mr Valant had not proven that he had paid any customs duties on the parts used in remodelling the car. Mr Valant's appeals to the Ljubljana Higher Court, Supreme Court, and Constitutional Court were unsuccessful.

Relying on Article 1 of Protocol 1 to the Convention (protection of property), Mr Valant complains that the seizure of his car in the criminal proceedings and the rejection of his claim for compensation breached his right to the peaceful enjoyment of his possessions.

Cengiz and Saygıkan v. Turkey (no. 26754/12)

The nine applicants are Turkish nationals who were born between 1955 and 1991; they are the mother (Halime Cengiz) and siblings of Davut Cengiz. They live in Diyarbakır (Turkey).

The case concerns the death of Davut Cengiz while performing his military service.

Davut Cengiz joined the military training unit for new recruits in Ankara in October 2009, and then joined his duty station in Kırıkhan in November 2009. On 1 March 2010 he was found with a serious firearms wound to the head and was immediately transferred to hospital, where the doctors found that he had died.

A criminal investigation was immediately opened by the Adana prosecutor's office, at the close of which the prosecutor's office decided to discontinue the proceedings in January 2011, finding that Mr Cengiz had taken his own life and noting that there was no evidence implicating another person in the incident. The applicants appealed against that decision, but their appeal was rejected by the Gaziantep Military Court. Furthermore, the administrative investigation concluded that Davut Cengiz had committed suicide in a moment of despair using the service weapon provided to him, on account of psycho-social and financial problems.

Relying on Article 2 (right to life), the applicants complain about the death of their relative and allege that no effective investigation was conducted.

Revision

Hayati Çelebi and Others v. Turkey (no. 582/05)

The applicants, Hayati Çelebi, Gürsel Arıca, Nilsel İlter, Tunç Öz, Ayşe Meltem Kısakürek, Şebnem Saffet Kısakürek, Selmin Kısakürek, Pınar Tamer, Fatma Füsun Hepdinç, Nejat Çömlekoğlu, Melek Çömlekoğlu, Mustafa Dovan, Yaşar Özcan, Batı Özcan, Nazmiye Turan, Mehmet Kazım Esin, Nihal Esin, Seda Akbaba, Osman Nuri Sünter and Mahçure Özbakır, are Turkish nationals who were born between 1918 and 1990. They live in Turkey, apart from Mr Tunç Öz, who lives in Germany. Mr Nejat Çömlekoğlu died on 28 October 2008.

The request for revision concerns a judgment of the European Court of Human Rights regarding a divergence in case-law in respect of the starting point for the limitation period on an action for

damages in respect of hidden defects in the applicants' dwellings, which had been damaged during the 17 August 1999 earthquake in Turkey.

Relying on Article 6 § 1 (right to a fair trial and right of access to a court), the applicants alleged an infringement of their right to a fair trial owing to the absence of an examination of the merits of their action and the divergent case-law in the different Chambers of the Court of Cassation as regards the starting point for the limitation period for bringing their action for damages.

In a judgment of 9 February 2016, the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing) of the Convention on account of clear contradictions in the case-law of the Court of Cassation and the failure of the mechanism designed to ensure harmonisation of the practice within this supreme court, which had resulted in the applicants' action for damages against the construction company being declared inadmissible, although other persons in a similar situation had been able to have their claims examined on the merits. It decided to award EUR 4,500 jointly to Mr Nejat Çömlekoğlu's heirs (Melek Çömlekoğlu, Hatice Ferda Çömlekoğlu and Fatih M. Çömlekoğlu) and EUR 4,500 to each of the 19 other applicants in respect of non-pecuniary damage (a total of EUR 90,000).

On 8 June 2016 the representative of the heirs of Ms Mahçure Özbakır and Mr Hayati Çelebi informed the Court that he had learnt that these two applicants had died on 1 April 2010 and 7 August 2015 respectively. In consequence, he requested a revision of the judgment, within the meaning of Rule 80 of the Rules of Court.

The Court will rule on this revision request in its judgment of 24 January 2017.

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.

Nikolić and Others v. Serbia (no. 9235/11)

Thursday 26 January 2017

Faig Mammadov v. Azerbaijan (no. 60802/09)

The applicant, Faig Mammadov, is an Azerbaijani national who was born in 1962 and is detained in Baku. The case concerns his absence from a hearing before the Supreme Court.

In June 2008 the Assize Court convicted Mr Mammadov and his wife of fraud. Mr Mammadov was sentenced to nine years' imprisonment and confiscation of property, and his wife was sentenced to seven years imprisonment suspended for five years on probation. The Baku Court of Appeal overturned the judgment in January 2009, reducing Mr Mammadov's term of imprisonment to seven years and lifting the confiscation of property sanction. Mr Mammadov then lodged a cassation appeal to the Supreme Court, and the prosecutor lodged a cassation protest.

The Supreme Court adjourned the hearing of the appeal on two occasions. This was upon the request of Mr Mammadov's lawyer, who referred to health problems, and pleaded that he had not had enough time to familiarise himself with the case file and collect further evidence.

The next hearing took place on 1 July 2009. Though the prosecutor was present, neither Mr Mammadov nor his lawyer attended. The Supreme Court dismissed Mr Mammadov's appeal and accepted the prosecutor's application for a supervisory review in part. The court then upheld Mr Mammadov's conviction but quashed his wife's conviction, remitting that part of the case to the Court of Appeal for fresh examination. The Supreme Court's decision stated that the examination of

the case in the absence of Mr Mammadov and his lawyer was possible, on the grounds that the lawyer had failed to appear despite being duly notified, and the incarcerated Mr Mammadov had made no request to attend.

Relying in particular on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), Mr Mammadov complains that the Supreme Court failed to take measures to ensure his or his lawyer's attendance at the hearing examining his cassation appeal.

Bodet v. Belgium (no. 78480/13)

The applicant, Mr Jacques Bodet, is a Belgian national who was born in 1959 and is imprisoned in Andenne (Belgium). The case concerns statements made to the press by a member of the jury in an assize court, following that court's conviction of Mr Bodet.

By a judgment of 20 December 2012, the Liège Assize Court found Mr Bodet guilty of the premeditated murder of C.K., the daughter of his partner. On the same day, Mr Bodet was given a life sentence for premeditated murder; this sanction was accompanied by a 15-year period, calculated from expiry of the effective principal penalty, during which the court responsible for the execution of sentences could order his continued detention. On 22 December 2012 the regional newspaper *La Meuse* published an interview with a member of the jury which had convicted the applicant. When asked what had been the most difficult part of the trial, this anonymous member of the jury stated: "It was not being able to show my feelings and my emotions... Jury members are forbidden from doing that...; I wanted to thump Bodet when he spoke."

Mr Bodet appealed on points of law, claiming that the member of the jury quoted by the press had shown subjective bias and infringed his right to be presumed innocent. The Court of Cassation dismissed his pleadings on the ground that the statements attributed to a member of the jury had not been taken from the documents in the case file. On 23 June 2014 Mr Bodet lodged a complaint against X for breach of professional secrecy. A judgment delivered on 1 March 2016 acquitted C.L., holding that although she did indeed have certain traits in common with the profile which emerged from the press article in question, there was nonetheless not a single objective indication allowing her to be identified as the source of the contested comments. Mr Bodet lodged an appeal.

Relying on Article 6 § 1 (right to a fair trial) and Article 6 § 2 (presumption of innocence), Mr Bodet complains that the criminal charge against him was examined by a court which was not impartial, and that his right to be presumed innocent was not respected.

Lena Atanasova v. Bulgaria (no. 52009/07)

The applicant, Ms Lena Georgieva Atanasova, is a Bulgarian national who was born in 1967 and lives in Tarnene (Bulgaria). The case concerns Ms Atanasova's conviction *in absentia* and the courts' refusal to reopen the criminal proceedings.

On 8 May 2000 the Stara Zagora District Court validated an agreement between the prosecutor's office and Ms Atanasova. She admitted to the offences with which she was charged in the context of criminal proceedings against her, and was given a suspended sentence of ten months' imprisonment. In 2001 the Sofia District Court sentenced her to one year's imprisonment. In the meantime, in a judgment delivered on 3 September 2001, the Pavlikeni District Court had convicted her of defrauding 17 persons and sentenced her to three years and six months' imprisonment. That court subsequently decided that this sentence was to be served consecutively to those imposed on the applicant by the Stara Zagora and Sofia District Courts.

In the meantime, on 11 February 1999 another set of proceedings had been opened against Ms Atanasova. As she could not be found, they were suspended in December 2004 and a "wanted" notice was issued. According to the documents in the criminal case file, on 12 January 2005 an investigator informed Ms Atanasova that a police investigation concerning her had existed since

1999. On the same date she acquainted herself with the case file, acknowledged the offences with which she was charged and said that she was willing to reimburse the sums fraudulently obtained from her victims in exchange for misleading promises to find them employment in Spain.

The Pleven District Prosecutor's Office subsequently drew up an indictment against Ms Atanasova for the offences that she had allegedly committed in 1998 and submitted it to the court in the same town. The first hearing before that court was held in the defendant's absence. The court postponed the hearing on three occasions on account of her absence. Those postponed hearings were followed by fresh attempts to find and summon the applicant. After these attempts, the court held that Ms Atanasova had not left the country and that she was not detained in a prison. It decided to continue the criminal proceedings in the defendant's absence, as permitted by the Code of Criminal Procedure, and assigned a lawyer to represent her. At the hearing of 20 February 2007, the lawyer accepted that the offences had been proved, indicated that her client had not obstructed the criminal investigation and asked the court to show clemency. On the same date the court sentenced Ms Atanasova to four years' imprisonment. Deciding to combine this sentence with another that Ms Atanasova had already served in 2003, the court held that she was to serve an actual sentence of 10 months' imprisonment.

In November 2006 Ms Atanasova gave birth to a daughter. In May 2007 the authorities issued a search warrant for her; she was arrested by two police officers on 23 May and taken to Sliven Prison on the same day. Following her imprisonment, her daughter, then aged six months, remained with her father and other relatives. On 13 July 2007 Ms Atanasova submitted a request to the Court of Cassation, seeking to have the criminal proceedings reopened on the ground that she had not taken part in the examination of the criminal case against her. On 25 October 2007 the Supreme Court of Cassation dismissed the request. Ms Atanasova was released on 15 March 2008.

Relying on Article 6 § 1 (right to a fair trial), Ms Atanasova complains that she was convicted *in absentia* and criticises the dismissal of her application to have the criminal proceedings reopened. Under Article 8 (right to respect for private and family life), she complains that the execution of the 10-month sentence deprived her of the possibility of caring for her daughter and that the prosecutor's office refused to suspend the execution of her sentence.

Dzirnis v. Latvia (no. 25082/05)

The applicant, Janis Dzirnis, is a Latvian national who was born in 1968 and lives in Riga. The case concerns the ownership of a property which was purchased by Mr Dzirnis but then transferred to the State, without any compensation being paid.

In 1991 legislation came into force in Latvia relating to property that had been nationalised in the Communist era. This allowed former owners or their heirs to reclaim property that had been seized. One such property, located in Jurmala, became the subject of several decisions and rulings from the Latvian authorities. The heir of the property's former owner, V.P.E., instituted proceedings to reclaim it. However, she did not pursue her claim to court. In July 2000 the Cabinet of Ministers issued an order by which it was meant to transfer ownership of a part the property ("the contested property") to the Ministry of Finance. Following this, V.P.E. re-instituted her claim. In February 2001 the Jurmala City Court ruled in her favour, and she was registered as the owner of the full property. She then sold the contested property to the applicant, Mr Dzirnis, for 39,000 Latvian lati.

The following month, the Prosecutor General submitted an appeal to the Senate of the Supreme Court, claiming that the judgment awarding ownership of the property to V.P.E. had been unlawful. The court quashed the judgment and ordered a new adjudication of the case. The Ministry of Finance then brought a claim against both V.P.E. and Mr Dzirnis, requesting that the purchase of the contested property by the latter be declared null and void, and for the Ministry's rights over it to be recognised. The proceedings were joined with V.P.E.'s original claim over the property.

The case was heard at first instance by the Riga Regional Court, and was then appealed to the Supreme Court. It was then repeatedly passed between the Supreme Court and the Senate of the Supreme Court, both of which ruled on the matter on three occasions. The final judgment was given in March 2005. The end result was that the Ministry of Finance obtained ownership of the contested property, with no compensation being awarded to Mr Dzirnis.

Relying on Article 1 of Protocol No. 1 (protection of property), Mr Dzirnis complains that, though he had purchased the contested property in good faith, the domestic courts deprived him of title to it without compensating him for the loss that he sustained.

Ivanova and Ivashova v. Russia (nos. 797/14 and 67755/14)

The applicants, Ms Mira Vasilyevna Ivanova and Ms Valentina Ilyinichna Ivashova, are Russian nationals who were both born in 1929 and live in Izhevsk (Republic of Udmurtia) and St Petersburg (Russia) respectively. The case concerns a complaint about the right of access to a court. In view of the similarity between the applications, the Court decided to join them.

Ms Ivanova brought an action to obtain recognition of her length of service in employment. In an interlocutory decision, the Oktyabrskiy District Court of Izhevsk, noting that the file was not complete, invited Ms Ivanovna to correct the shortcomings found. She received a copy of the decision on 22 May 2013. On the same day, noting the late reception of the letter, the court issued a new deadline of 27 May 2013 for correcting the shortcomings. By a decision of 28 May 2013 the district court, noting that Ms Ivanovna had not corrected her request within the given deadline, declared it inadmissible and terminated the proceedings. Ms Ivanova appealed against that decision, arguing that she had never received the decision of 22 May 2013. The Udmurtia Supreme Court considered it established that the applicant had received the decision of 22 May 2013 on the same date, and confirmed on appeal the decision of 28 May 2013.

Ms Ivashova brought a civil action against a private company. On 18 February 2014 the Vasileostrovskiy District Court of St Petersburg granted her claim in part. At the hearing, the court read out only the operative provisions of the decision. On numerous occasions Ms Ivashova's representative asked the court registry, in writing, to make the file and the full text of the decision available to her, so that she could acquaint herself with them. By a letter of 5 March 2014, the president of the district court informed the applicant that the full text of the decision had been sent to her on 3 March 2014 and that the full file had been available at the registry of the court since 4 March 2014. Ms Ivashova maintained that a copy of the decision had been sent to her on 7 March 2014 and that it had reached her on 25 March 2014. In the meantime, on 18 March 2014, Ms Ivashova had lodged a brief appeal. On 21 March 2014 the district court invited Ms Ivashova to clarify the grounds of appeal. Not having the full text of the decision, she was unable to comply with that request, and the court declared the appeal inadmissible. One month after receipt of the full text, on 25 April 2014, Ms Ivashova lodged an appeal. On 20 May 2014 the district court declared the appeal inadmissible as out of time. Ms Ivashova appealed against that decision. On 23 July 2014 the St Petersburg City Court upheld the decision of 20 May.

Relying in particular on Article 6 § 1 (right of access to a court), Ms Ivanova and Ms Ivashova complain, among other points, of a violation of their right of access to a court, since their appeals were declared inadmissible as out of time in what the applicants considered to be an erroneous application of the procedural rules.

Khamidkariyev v. Russia (no. 42332/14)

The applicant, Mr Mirsobir Mirsobitovich Khamidkariyev, is an Uzbek national who was born in 1978. He is currently serving a prison sentence in Uzbekistan.

Mr Khamidkariyev fled Uzbekistan in December 2010 and moved to Russia. He lived in Moscow with his partner, Ms I., and their child.

In 2011, the Uzbek authorities charged Mr Khamidkariyev *in absentia* with crimes related to religious extremism for his alleged involvement in establishing a jihadist organisation in 2009. He was arrested in July 2013 in Moscow on the basis of an Uzbek arrest warrant and detained pending extradition. However, he was released in August following an intervention by the Golovinskiy inter-district prosecutor's office of Moscow. The prosecutor's office noted that the Uzbek authorities had not lodged a formal extradition request; that the crimes he had been charged with did not constitute criminal offences under Russian law; and that Mr Khamidkariyev could not have established the jihadist organisation in 2009, as it had been banned by the Supreme Court of Russia since 2003. After his release, Mr Khamidkariyev continued to live in Moscow.

On the evening of 9 June 2014, Mr Khamidkariyev was abducted while waiting in a taxi for Ms I. and their child outside a pharmacy in central Moscow. According to Mr Khamidkariyev, his abductors placed a sack over his head, which they did not remove until they had taken him to an unidentified house, where he recognised them as two FSB officers whom he had met in November 2011. The two officers are then alleged to have beaten Mr Khamidkariyev and kept him in the house until the following day. He was then allegedly handed over to Uzbek officials near the steps of a Tashkent-bound airplane. Once in Uzbekistan, Mr Khamidkariyev was arrested on suspicion of crimes related to religious extremism and detained for two months ahead of his criminal trial at the Tashkent City Court. Mr Khamidkariyev claims that during his detention, he was subjected to torture and other ill-treatment by Uzbek officials.

On 18 November 2014, the Tashkent City Court found Mr Khamidkariyev guilty and sentenced him to eight years' imprisonment. His court-appointed lawyer refused to lodge an appeal. Mr Vasilyev lodged an appeal with the Appeal Chamber of the Tashkent City Court on Mr Khamidkariyev's behalf. It appears, however, that Mr Khamidkariyev subsequently withdrew his statement of appeal. He remains in prison in Uzbekistan.

Relying in particular on Article 3 of the Convention (prohibition of torture and of inhuman or degrading treatment), Mr Khamidkariyev complains that his secret transfer to Uzbekistan could only have been carried out with the active or passive involvement of the Russian authorities, and that the Russian authorities failed to conduct an effective investigation into the abduction.

Terentyev v. Russia (no. 25147/09)

The applicant, Sergey Terentyev, is a Russian national who was born in 1954 and lives in Syktyvkar, in the Komi Republic (Russia). The case concerns his liability for defamation.

Mr Terentyev is a musician and jazz critic. In 2007 he published an article on his personal website about a local jazz festival, which was scathingly critical of the festival and its president. Mr Terentyev used various derivatives of the festival president's surname to mock his professional qualities and described his delivery as "crappy". The festival president sued Mr Terentyev for defamation. In August 2008 the Syktyvkar Town Court found against Mr Terentyev, ordering him to pay 5,000 roubles in damages and publish a retraction on his website. His appeal of the decision was dismissed by the Supreme Court of the Komi Republic two months later. The Supreme Court found that Mr Terentyev's right to freedom of expression had not been breached, because "the defendant published statements on the Internet which undermined the honour and dignity of the plaintiff as a person, pedagogue and musician and which contained negative information about him".

Relying on Article 10 (freedom of expression), Mr Terentyev complains that the defamation ruling violated his right to freedom of expression.

X v. Switzerland (no. 16744/14)

The applicant, Mr X, is a Sri Lankan national of Tamil origin, who was born in 1979 and lives in Switzerland. The case concerns his deportation to Sri Lanka.

Mr X and his wife first applied for asylum in Switzerland in May 2009, citing political persecution in Sri Lanka. Mr X stated that he had participated in armed resistance against the Sri Lankan Government as a member of the Liberation Tigers of Tamil Eelam during the 1990s and had been ill-treated in detention by the Sri Lankan authorities. The Federal Migration Office (FMO) held that Mr X and his wife did not qualify for refugee status, rejected their asylum application, and ordered their deportation to Sri Lanka. Mr X and his wife challenged the deportation order before the Federal Administrative Court, which rejected their appeal in October 2012. Their application to the Federal Administrative Court to have this judgment reconsidered was also rejected.

On 21 August 2013, the couple and their two young children were deported to Sri Lanka. Upon arrival at the airport in Colombo, they were detained and questioned for thirteen hours. Mr X's wife and their children were then released, but he was incarcerated in Boosa Prison, where he suffered ill-treatment (including beatings). In December 2013, a representative of the Swiss Embassy and a senior protection officer of the UNHCR visited Mr X in the prison governor's office. They noted that Mr X was visibly afraid to speak and that a free conversation with him was impossible.

Following this visit, Mr X's wife and children were relocated to Switzerland by the Swiss authorities. On an unknown date, Mr X was transferred to a "rehabilitation" prison from which he was released in April 2015. After his release, Mr X applied for a visa on humanitarian grounds to return to Switzerland. The FMO allowed his application and he returned to Switzerland on 25 April 2015. On an unspecified date, Mr X submitted a fresh asylum application, which was granted on 26 June 2015.

In his application to this Court, Mr X pointed out that in a similar case another Tamil, Mr Y, had been deported from Switzerland to Sri Lanka almost a month before Mr X's own deportation. According to Mr Y's lawyer, he had been detained and subjected to ill-treatment requiring hospitalisation. Mr Y's lawyer had then written to the Swiss Minister of Justice and the director of the Migration Office asking that all deportations of Tamils to Sri Lanka be suspended. Furthermore, two independent reports (by a Professor W. Kälin and the UNHCR) identified several shortcomings in the FMO's decision-making process in Mr X's case, meaning his individual risk of ill-treatment as a Tamil had not been properly assessed.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr X complains that, prior to his deportation, the Swiss authorities failed to properly take into account the risk that he would be subjected to inhuman treatment; and that he was in fact exposed to such treatment upon his return to Sri Lanka.

Surikov v. Ukraine (no. 42788/06)

The applicant, Mr Mikhail Mikhaylovich Surikov, is a Ukrainian national who was born in 1962 and lives in Simferopol. The case concerns a refusal by Mr Surikov's employer (a State-owned company) to promote him on the basis that he had been declared unfit for military service in 1981, due to mental health-related issues.

Mr Surikov began working at the Tavrida State Publishing House in August 1990. Initially hired as a worker, in 1997 he asked the director of Tavrida to place him on a reserve list for promotion to an engineering position in line with his qualifications. Having received no reply, in 2000 Mr Surikov applied for a second time and was refused. Mr Surikov appealed to the Central District Court of Simferopol seeking to compel his employer to consider him for an engineering position.

During the proceedings, Tavrida submitted that the refusal was connected to the state of Mr Surikov's mental health, in particular the fact that he had been declared unfit for military service in 1981. In 1997, the human resources department of the company had obtained from the military enlistment office a certificate confirming this. The court rejected Mr Surikov's complaint, holding that the promotion of employees was within the employer's discretion. This was upheld on appeal by the Supreme Court of the Autonomous Republic of Crimea.

In 2002, following a referral by Tavrida, Mr Surikov underwent medical examinations and obtained a certificate signed by six medical specialists attesting to his fitness for employment as an engineer. In August 2003 he was appointed as a foreman and in April 2006 as an engineer-technologist.

Between 2000 and 2006, Mr Surikov was engaged in civil proceedings against Tavrida concerning the purportedly unlawful collection, use, and dissemination of his personal health data. He also submitted that the standardised grounds for his dismissal from military service in 1981 had not been specific enough to serve as a basis for the later refusal to promote him, and that in any case, the information was outdated. He complained that, if the company had had doubts about his health, it should have asked him for a current medical certificate. His claims were unsuccessful at every level.

In 2006, Mr Surikov instituted civil proceedings against the director of Tavrida, the human resources officer, and his supervisor, challenging the lawfulness of their actions regarding the processing of his health data. His claim was unsuccessful, as were subsequent appeals to the Court of Appeal and the Supreme Court. The final decision was made on 23 May 2007.

Relying on Article 8 (right to respect for private and family life), Mr Surikov complains that his employer had arbitrarily collected, retained, and used sensitive and obsolete data concerning his mental health when considering his application for promotion, and had unlawfully disclosed this data (to his colleagues and in court). Relying on Article 6 § 1 (right to a fair hearing), Mr Surikov further complains that the domestic courts failed to address pertinent and important points raised in his case.

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.

Petrova v. Bulgaria (no. 71832/11)
Žvagulis v. Lithuania (no. 8619/09)
H.A. and H.A. v. Norway (no. 56167/16)
Chubrynin v. Russia (no. 65225/11)
Maksimov and Others v. Russia (nos. 7805/07, 47236/11, 11823/12, and 63378/13)
Mirzakhanov and Others v. Russia (nos. 13986/05, 29140/09, 51269/10, 14509/11, 18309/11, 14208/12, 23724/12, 33390/12, 73421/12, 3040/13, 15685/13, 25252/13, 39190/13, 58566/13, 72348/13, 25541/14, and 28403/14)
Nikulin and Berezin v. Russia (nos. 30125/06 and 42270/13)
Serdar v. Russia (no. 5618/10)
Silantyev v. Russia (no. 2460/10)
Tselinskiy and Others v. Russia (nos. 7061/06, 11765/06, 25026/06, 44076/07, 15446/09, 22514/09, 37610/09, 40999/09, 2656/10, 4526/10, 6269/10, 19910/10, 28858/10, 28859/10, 32272/10, 42962/10, 44376/10, 45597/10, 48887/10, 61885/10, 71229/10, 71329/10, 36858/11, 45657/11, 57402/11, and 70759/11)
Zimin v. Russia (no. 64127/13)
Mine-Projekt DOO v. Serbia (no. 3822/10)
Obradovic v. Serbia (no. 10823/13)
Oz v. Turkey (no. 56995/10)
Leonov v. Ukraine (no. 10543/03)

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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.