



Judgments of 29 May 2018

The European Court of Human Rights has today notified in writing nine judgments¹:

four Chamber judgments are summarised below; separate press releases have been issued for three other Chamber judgments in the cases of *Bikić v. Croatia* (application no. 50101/12), *Pocasovschi and Mihaila v. the Republic of Moldova and Russia* (no. 1089/09), and *Gülbahar Özer and Yusuf Özer v. Turkey* (no. 64406/09);

two Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments in French below are indicated with an asterisk ()*

Dornean v. the Republic of Moldova (application no. 27810/07)

The applicant, Leonid Dornean, is a Moldovan national who was born in 1951 and lives in Trinca (the Republic of Moldova).

The case concerned his complaint that he had been beaten and assaulted by his ex-wife and adult children and that the authorities had failed to investigate his allegations properly.

Between 2005 and 2007 Mr Dornean complained to prosecutors of various incidents of assault by his ex-wife and children.

In particular, in December 2006 they allegedly assaulted him at their home and broke his left elbow. Investigators looked at this complaint on and off for four years, but the investigation was eventually discontinued in 2010.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Dornean complained that there had been no effective investigation into his allegation of ill-treatment by his ex-wife and children.

Violation of Article 3 (investigation)

Just satisfaction: 5,000 euros (EUR) (non-pecuniary damage) and 17,529 Moldovan lei (MDL) (costs and expenses)

Goriunov v. the Republic of Moldova (no. 14466/12)

The applicant, Igor Goriunov, is a Moldovan national who was born in 1968 and is detained in Rezina (Republic of Moldova).

The case concerned the fact that Mr Goriunov, who is serving a life sentence for murder, was for several months placed in handcuffs every time he left his cell.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

The punishment of wearing handcuffs outside his cell was imposed on Mr Goriunov in July 2011, four months after a mobile telephone had been found there. He complained unsuccessfully to the domestic courts about the measure, which lasted for about five months.

Relying on Article 3 (prohibition of inhuman or degrading treatment), he complained that he had been subjected to inhuman and degrading treatment through being forced to wear handcuffs for no particular reason.

Violation of Article 3 (degrading treatment)

Just satisfaction: EUR 4,500 (non-pecuniary damage) and EUR 650 (costs and expenses)

OOO KD-Konsalting v. Russia (no. 54184/11)*

The applicant company, OOO KD-Konsalting, is a limited-liability company based in Moscow.

The case concerned the seizure and retention by the authorities of several tonnes of zinc belonging to the applicant company to serve as evidence in criminal proceedings, and the disappearance of the seized zinc from the depot where it had been stored.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company complained of interference with its right of property owing to the seizure and retention of its goods, which it alleged had been unjustified, the authorities' failure to safeguard its storage and the refusal of the domestic courts to compensate it for the alleged damage.

Violation of Article 1 of Protocol No. 1

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant company. It awarded the company EUR 34,000 for pecuniary damage.

Mihdi Perinçek v. Turkey (no. 54915/09)

The applicant, Mihdi Perinçek, is a Turkish national who was born in 1957 and lives in Diyarbakır (Turkey).

The case concerned the killing of Mr Perinçek's son by the police and his allegation that the domestic authorities had failed to carry out a proper investigation into his death.

Mr Perinçek's son, Şiyar, was shot by a police officer on 28 May 2004 during an operation which the police said was aimed at preventing a terrorist attack by the PKK. The son died later in hospital. The trial court acquitted the police chief in March 2007, finding that he had acted in self-defence.

Mr Perinçek, who acted as an intervener in the trial, appealed against the acquittal and argued that the police's version was false. He alleged that the police officer had shot his son at close range and that his son had been unarmed. He pointed to many alleged irregularities in the investigation. His appeal was dismissed in March 2009.

Relying in particular on Article 2 (right to life), Mr Perinçek complained that the police had killed his son unlawfully and that no effective investigation into the incident had been carried out.

Violation of Article 2 (right to life and investigation)

Just satisfaction: EUR 50,000 (non-pecuniary damage)

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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.