



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 53 judgments on Tuesday 21 December 2010.

*Press releases and texts of the judgments will be available at **11 a.m.** (local time) on the Court's Internet site (www.echr.coe.int)*

Tuesday 21 December 2010

[Chavdarov v. Bulgaria \(application no. 3465/03\)](#)

The applicant, Atanas Chavdarov, is a Bulgarian national who was born in 1973 and lives in Ruptzi (Bulgaria). In 1989 he set up home with a married woman, who gave birth to three children between 1990 and 1998 while the couple were living together. The woman's husband was recorded as the children's father on their respective birth certificates. The applicant has lived with the children since their mother left to move in with another partner. Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, he complains of his inability to be recognised as the legal father of the three children, of whom he claims to be the biological father.

[Hovanesian v. Bulgaria \(no. 31814/03\)](#)

The applicant, Davit Hovanesian, is an Armenian national who was born in 1968. He is currently serving a prison sentence in Sofia Prison. On his arrival in Bulgaria in 1997 he spoke a little Bulgarian. In 2002 he was sentenced to 16 years' imprisonment for attempted murder. He relies on Article 6 §§ 1 and 3 (c) (right to a fair trial), complaining that he did not have the assistance of a lawyer or an interpreter when first questioned during the preliminary investigation, and that he was required to pay the interpreter's fees incurred during the criminal proceedings against him.

[Stoychev v. Bulgaria \(no. 29381/04\)](#)

The applicant, Stilian Stoychev, was born in 1963 and lives in Drinovo. Relying in particular on Article 5 §§ 1 (e), 4 and 5 (right to liberty and security), he complains of his detention in a psychiatric institution on the orders of a prosecutor with a view to a psychiatric examination to determine whether he should undergo compulsory treatment. He also complains of the lack of a judicial remedy by which to contest the lawfulness of his detention and of the impossibility of claiming compensation. In addition, he relies on Article 8 (right to respect for private and family life).

[Blondeau v. France \(no. 48000/07\)](#)

The applicants, Serge and Françoise Blondeau, are a married couple. They are French nationals who were born in 1937 and 1942 respectively and live in Pithiviers-le-Vieil (France), where they run a farm. As part of a land consolidation operation – aimed at redistributing parcels of land within a defined area with a view to upgrading the farmland concerned – they were obliged to exchange their parcel of land. Relying in particular on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of

property), they complain of their inability to challenge the prefectoral decrees concerning the consolidation operation once it had been completed.

[Compagnie des gaz de pétrole Primagaz v. France \(no. 29613/08\)](#)
[Société Canal Plus and Others v. France \(no. 29408/08\)](#)

The applicant in the first case is the Compagnie des gaz de Pétrole Primagaz, a legal entity under French law with its registered office in Paris. In the second case the applicants are CANAL PLUS SA, GROUPE CANAL PLUS and SPORT PLUS SA, legal entities under French law based in Issy-les-Moulineaux (France). In the context of proceedings brought by the authorities responsible for competition, consumer affairs and fraud prevention, in which the applicants were suspected of anti-competitive practices, their premises were searched on the orders of the liberties and detention judge. Various documents and data media were seized. The applicants rely in particular on Article 6 § 1 (right to a fair trial), complaining that there was no effective judicial review of the lawfulness and well-foundedness of the search and seizure orders. They rely also on Article 8 (right to respect for private and family life and home), taken in conjunction with Article 13 (right to an effective remedy) in the case of the first applicant. The other applicants further allege that the searches and seizures at their premises infringed their freedom of expression under Article 10 (freedom of expression).

[Raffray Taddei v. France \(no. 36435/07\)](#)

The applicant, Virginie Raffray Taddei, is a French national who was born in 1962 and is currently in Roanne Prison (France), where she is serving sentences handed down between 1997 and 2007. Relying on Article 3 (prohibition of inhuman or degrading treatment), she complains of her continuing detention – after her applications for a stay of execution and for conditional release were turned down – and of the failure to provide her with appropriate treatment for her health problems, including anorexia, for which she underwent numerous medical examinations between 2004 and 2009.

[Anayo v. Germany \(no. 20578/07\)](#)

The applicant, Frank Eze Anayo, is a Nigerian national who was born in 1967. He entered Germany in 2003 and lived in Achern before moving to Spain in 2008. Relying on Article 8 (right to respect for private and family life and home), he complains about the German courts' refusal to grant him access to his children, twins born in 2005. Their mother, a German national, is bringing up the twins with her husband, who is their legal father and with whom she has three other children. They have repeatedly refused Mr Anayo's requests to have contact with the twins, both before and after their birth.

[Wienholtz v. Germany \(no. 974/07\)](#)

The applicant, Herbert Wienholtz, is a German national who was born in 1936 and lives in Aurich (Germany). Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the length of the proceedings brought against him in 1991 on suspicion of tax offences. The proceedings for tax fraud before the district court were stayed at the applicant's request pending the outcome of proceedings before the tax court, and were eventually discontinued in April 2008 by decision of the district court.

[Athanasίου and Others v. Greece \(no. 50973/08\)](#)

The applicants are ten Greek nationals. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), they complain of the excessive length of proceedings they instituted in 1994, after they had taken compulsory retirement, in order to claim an additional retirement premium from the Army Solidarity Fund. The proceedings ended in a ruling against the applicants on 4 April 2008. The case will be dealt with the Court's

pilot-judgment procedure which has been developed by the Court in recent years to deal with large groups of identical cases stemming from the same structural problem.

[Szepesi v. Hungary \(no. 7983/06\)](#)

The applicant, Tibor Szepesi, is a Hungarian national who was born in 1966 and lives in Budapest. Relying on Article 5 § 3 (right to liberty and security), he complains that he was kept in detention on remand for three years on drug-trafficking charges. He was found guilty in September 2008 and sentenced to six years' imprisonment; the proceedings are currently pending on appeal.

[Gaglione and 474 Others v. Italy \(no. 45867/07 and 479 other applications\)](#)

This application concerns 475 cases in which the applicants complain of the delayed enforcement of judicial decisions by the authorities. The applicants applied to the competent courts under the "Pinto" Act, complaining of the length of civil proceedings to which they had been parties. The courts observed that the length of the proceedings had exceeded a reasonable time and awarded the applicants compensation for non-pecuniary damage. Relying on Article 6 § 1 (right to a hearing within a reasonable time), the applicants complain of the delay by the Italian authorities – ranging from 9 to 49 months – in enforcing the "Pinto rulings" in their favour.

[Jasinskis v. Latvia \(no. 45744/08\)](#)

The applicant, Aleksandrs Jasinskis, is a Latvian national who was born in 1933 and lives in Balvi (Latvia). He complains about the death of his deaf and mute son, born in 1962, in police detention on 28 February 2005. His son, who had sustained serious head injuries in a fall down some stairs, was taken to the local police station and placed in a sobering-up cell for 14 hours as the police officers believed him to be drunk. Mr Jasinskis also complains about the ineffectiveness of the ensuing investigation into his son's death. He relies on Article 2 (right to life).

[Oprea v. Moldova \(no. 38055/06\)](#)

The applicant, Daria Oprea, is a Moldovan national who was born in 1957 and lives in Hîrbovăţ. She was arrested in July 2006 on suspicion of misappropriation of a donation to her non-governmental organisation, *Dumitriţa*, which provides assistance to people in need. Suffering from epilepsy, she complains about inadequate medical care during her ensuing detention pending trial. She relies on Article 3 (prohibition of inhuman or degrading treatment). Further relying on Article 5 § 3 (right to liberty and security), she also complains that the Moldovan courts failed to give relevant and sufficient reasons for her detention pre-trial detention.

[Sofranschi v. Moldova \(no. 34690/05\)](#)

The applicant, Eugen Sofranschi, is a Moldovan national who was born in 1946 and lives in Briceni (Moldova). Relying on Article 10 (freedom of expression), Mr Sofranschi complains about civil proceedings brought against him for defamation in which he was ordered to pay compensation to the leader of a collective farm and candidate in local elections for mayor, who he had criticised in May 2003 in a letter to the President of Moldova and other authorities.

[Gajewski v. Poland \(no. 27225/05\)](#)

The applicant, Władysław Gajewski, is a Polish national who was born in 1958 and lives in Rudnik (Poland). A lawyer, Mr Gajewski complains about the unfairness of insolvency proceedings in which he had been appointed a trustee, in particular as concerned payment of his expenses. He notably claims that one of the judges on the bench was not

impartial as she was both a claimant and a member of the court in the case. He relies on Article 6 § 1 (right to a fair hearing).

Revision

[Kulikowski v. Poland \(no. 18353/03\)](#)

The applicant, Adam Kulikowski, was a Polish national who was born in 1964. He died in March 2009. He was convicted of murdering his mother in August 2002 and sentenced to 12 years' imprisonment. In a judgment of 19 May 2009, the Court held that there had been a violation of Article 5 § 3 on account of the excessive length of Mr Kulikowski's pre-trial detention and of Article 6 § 1 in conjunction with Article 6 § 3 (c) (right of access to court) on account of the failure to inform Mr Kulikowski of how much time he had available to lodge a cassation appeal in his case. The Government have requested revision of this judgment which they have been unable to execute, as the applicant died before it could be adopted.

[Nurzyński v. Poland \(no. 46859/06\)](#)

The applicant, Krzysztof Nurzyński, is a Polish national who was born in 1973 and lives in Łódź (Poland). Arrested in October 2005 on charges of aggravated assault and theft, he complains that he was refused visits from his wife and mother during his ensuing pre-trial detention. He relies on Article 8 (right to respect for private and family life and home).

[Witek v. Poland \(no. 13453/07\)](#)

The applicant, Magdalena Witek, is a Polish national who was born in 1963 and lives in Katowice (Poland). Relying on Article 5 §§ 1 and 4 (right to liberty and security), Ms Witek complains about her detention in a psychiatric hospital from June 2006 to November 2007 following charges brought against her in October 1999 for assaulting her mother.

[Almeida Ferreira and Melo Ferreira v. Portugal \(no. 41696/07\)](#)

The applicants, Mário Almeida Ferreira and his wife, Maria da Conceição Quadros Pereira de Melo Ferreira, are Portuguese nationals who were born in 1925 and 1926 respectively and live in Oliveira de Azeméis (Portugal). They hold a life interest in a property which will revert to their son Paulo after their deaths, and were renting out a flat within the property. As they needed the flat in order to house their son Paulo and his growing family following the birth of his second child, they applied to the courts to have the rental agreement terminated. Their application was refused on the ground that the tenant had been living in the property for at least 20 years, which constituted a statutory exception to the right to terminate a lease. Relying on Article 1 of Protocol No. 1 (protection of property), they complain of the automatic application of the exception in question under the legislation on residential leases.

[Colesnicov v. Romania \(no. 36479/03\)](#)

The applicant, Valentin Colesnicov, is a Romanian national who was born in 1967 and lives in Galați (Romania). He was arrested in 2002 and was subsequently sentenced to a prison term for corruption and aiding and abetting smuggling. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains of his conditions of detention at the time of his arrest, alleging ill-treatment by the investigating officers, and in prison, complaining of overcrowding and poor hygiene conditions.

[Gladkiy v. Russia \(no. 3242/03\)](#)

The applicant, Nikolay Gladkiy, is a Russian national who was born in 1966 and lived before his arrest in Kaliningrad (Russia). Arrested in December 1999 on a murder charge, he alleges that he was detained in appalling conditions – notably due to overcrowding – in a Kaliningrad facility, that he contracted tuberculosis there and was subsequently denied adequate medical care. He relies on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy). Relying on Article 6 §1 (right to a fair hearing), he also complains that the domestic courts failed to ensure his presence at an appeal hearing concerning the proceedings he had brought seeking compensation for the damage caused to his health by tuberculosis.

[Kuzmenko v. Russia \(no. 18541/04\)](#)

The applicant, Tatyana Kuzmenko, is a Russian national who was born in 1975 and lives in Orsk (Orenburg Region, Russia). The case concerns her complaint that she was beaten and handcuffed to a radiator in September 2001 on accompanying her husband to the local police station following his arrest on suspicion of indecent behaviour in public. She alleges in particular that a police officer grabbed her hair, hit her head against a wall three times and then left her handcuffed to a radiator in a corridor. Released a few hours later, she was diagnosed with concussion in hospital. The police claim that Ms Kuzmenko was drunk and abusive and force had to be used to calm her down. She also complains that the domestic authorities failed to effectively investigate her allegations into the incident. She relies on Article 3 (prohibition of inhuman or degrading treatment).

[Malika Dzhamayeva and Others v. Russia \(no. 26980/06\)](#)

[Udayeva and Yusupova v. Russia \(no. 36542/05\)](#)

The applicants in the first case are four Russian nationals who live in the village of Katyr-Yurt (Achkhoy-Martan district, Chechnya). They are the mother, wife and children of Khamid Mukayev, born in 1978, of whom they have had no news since September 2004 when he was abducted from the family home by a group of men in camouflage uniforms. They allege that the abduction and presumed subsequent killing of their relative was carried out during an unacknowledged security operation by Russian servicemen. The applicants in the second case are two Russian nationals who live in the town of Urus-Martan and are the mothers of Ali Udayev, born in 1990, and Ramzan Yusupov, born in 1988. They allege that their sons, born in 1990 and 1988, were killed in an explosion caused by a Russian military missile while they were on their way home from school on 17 October 2000. In both cases the applicants further complain that the domestic authorities failed to carry out an effective investigation into their allegations. All the applicants rely in particular on Articles 2 (right to life) and 13 (right to an effective remedy). In the case of **Malika Dzhamayeva and Others** the applicants also rely on Articles 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security).

[Novaya Gazeta v Voronezhe v. Russia \(no. 27570/03\)](#)

The applicant is the editorial board of the *Novaya Gazeta v Voronezhe* newspaper, a limited liability company under Russian law registered in Voronezh (Russia). It was ordered by court to pay compensation and to publish an apology for an article published in April 2002 which concerned abuses and irregularities allegedly committed by the mayor of Novovoronezh, and by other municipal officials. The board relies on Article 10 (freedom of expression).

[Loveček and Others v. Slovakia \(no. 11301/03\)](#)

The applicants are 33 Slovak nationals. They were clients of a private non-banking investment company. In August 2000, criminal proceedings against the company's management were opened on suspicion of embezzlement, which the applicants joined as aggrieved parties claiming damages. They complain that the length of the criminal proceedings was incompatible with Article 6 § 1 (right to a fair trial within a reasonable time).

[Michalko v. Slovakia \(no. 35377/05\)](#)

The applicant, Tibor Michalko, is a Slovak national who was born in 1969 and lives in Bratislava. Detained as a suspect in March 2004 on charges of conspiracy and attempted fraud, he complains in particular that he was not brought before a judge within 24 hours of his arrest as required by national law and that his detention after that was arbitrary. He further complains about the proceedings concerning the extension of his detention and his requests for release and about the lack of enforceable right to compensation. He relies on Article 5 §§ 1, 3, 4 and 5 (right to liberty and security).

[Osváthová v. Slovakia \(no. 15684/05\)](#)

The applicant, Klára Osváthová, is a Slovak national who was born in 1949 and lives in Bratislava. Arrested by the police in February 2006 and taken into custody on charges of fraud, which were later dropped, she complains that her arrest and detention pending trial were unlawful and that the proceedings by which the lawfulness of her detention was decided were not speedy and fell short of other applicable requirements. She further complains that she had no enforceable right to compensation and no effective remedy for those shortcomings. She relies in particular on Article 5 §§ 4 and 5 (right to liberty and security).

[Doğan and Kalın v. Turkey \(no. 1651/05\)](#)

The applicants, Metin Doğan and Talip Kalın, are Turkish nationals who were taken into police custody in Istanbul on suspicion of membership of an illegal organisation in February 1994. Released pending trial in 2004, they complain under Articles 5 § 3 (right to liberty and security) and 6 § 1 (right to a fair trial within a reasonable time) of the length of their pre-trial detention and of the length of the criminal proceedings brought against them. They further allege that they had no domestic remedies available in respect of those complaints, relying on Article 13 (right to an effective remedy).

[Feti Ateş and Others v. Turkey \(nos. 34759/04, 28588/05, 1016/06 and 19280/06\)](#)

The applicants, Feti Ateş, Nursel Demirdöğücü, Hakkı Alçın, and Metin Durmaz, are four Turkish nationals who were arrested on different dates between 1992 and 2002, and subsequently spent between two and 13 years in pre-trial detention. Relying on Articles 5 § 3 and 6 §§ 1 and 3 (right to a fair trial within a reasonable time), they complain that the length of their pre-trial detention and the criminal proceedings against them was excessive.

[Ichiny and Dmitriyevy v. Ukraine \(nos. 28189/04 and 28192/04\)](#)

The applicants are four Ukrainian nationals and live in Sevastopol (Ukraine). Ms Ichina and Ms Dmitriyeva are the mothers of Mr Ichin and Mr Dmitriyev, who, aged 13 and 14, were placed in a juvenile holding facility for one month in 2004 for stealing food and kitchen appliances from a school canteen. Relying in particular on Article 5 §§ 1 and 4 (right to liberty and security), the applicants complain that the youths' detention was unlawful and that the proceedings concerning their placement in the facility were unfair.

[Peretyaka and Sheremetyev v. Ukraine \(nos. 17160/06 and 35548/06\)](#)

The applicants are two Ukrainian nationals: Oleg Peretyaka who was born in 1958 and lives in Lugansk; and, Vladimir Sheremetyev who was born in 1954 and lives in Slatino. In 2004 and 2005, respectively, they both brought court proceedings seeking recalculation of their pensions; in both cases the claims were rejected as not based on the law. Their appeals were dismissed in 2006 as having been lodged out of time. Relying in particular on Article 6 § 1 (right of access to a court), they complain that they were unlawfully denied access to a court of cassation.

[Rudenko v. Ukraine \(no. 35041/05\)](#)

The applicant, Andriy Rudenko, is a Ukrainian national who was born in 1941 and lives in Kyiv. Relying on Article 1 of Protocol No. 1 (protection of property), he complains that, following domestic court decisions, he lost his title to part of a flat he had jointly owned with his former wife and mother-in-law.

Length-of-proceedings cases

In the following cases, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of legal proceedings.

Criminal

Arabadzhiev and Alexiev v. Bulgaria (no. 20484/05)

Nachev v. Bulgaria (no. 27402/05)

Orudzhev v. Ukraine (no. 3080/06)

Sizykh v. Ukraine (no. 25914/06)

These cases concern in particular the applicants' complaints concerning the excessive length of criminal proceedings brought against them for hooliganism (first case), attempted murder (second case), embezzlement (third case) and extortion (fourth case).

Non-criminal

Nikova v. Bulgaria (no. 4434/05)

Belperio and Ciarmoli v. Italy (no. 7932/04)

Di Matteo and Others v. Italy (nos. 7603/03, 7610/03, 7614/03 and 7616/03)

Keszeli v. Slovakia (no. 34200/06)

Sirotnák v. Slovakia (no. 30633/06)

Urík v. Slovakia (no. 7408/05)

Rahmetullah Bingöl v. Turkey (no. 40848/04)

Gerega v. Ukraine (no. 30713/05)

Kobchenko v. Ukraine (no. 37138/04)

Kovalev v. Ukraine (no. 10636/05)

Krat v. Ukraine (no. 30972/07)

Kryukov v. Ukraine (No. 6) (no. 53249/07)

Ponomarenko v. Ukraine (no. 20930/06)

Subot v. Ukraine (no. 38753/06)

Revision

Klimkiewicz v. Poland (no. 44537/05)

In a judgment of 28 April 2009, the Court held that there had been a violation of Article 6 § 1 on account of the excessive length of proceedings with regard to Mr Klimkiewicz's civil claim for damages as a result of a fraud. The Government have requested revision of this judgment which they have been unable to execute because the applicant died before it could be adopted.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on its [Internet site](#). To receive the Court's press releases, please subscribe to the [Court's RSS feeds](#).

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Emma Hellyer (tel: + 33 3 90 21 42 15)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Kristina Pencheva-Malinowski (tel: + 33 3 88 41 35 70)

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

Frédéric Dolt (tel: + 33 3 90 21 53 39)

Nina Salomon (tel: + 33 3 90 21 49 79)

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.