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

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Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 24 judgments on Tuesday 6 October 2015 and 94 judgments and / or decisions on Thursday 8 October 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)*

Tuesday 6 October 2015

Stoykov v. Bulgaria (application no. 38152/11)

The applicant, Milen Bozhidarov Stoykov, is a Bulgarian national who was born in 1985. He is currently serving a sentence in Stara Zagora Prison.

The case concerns Mr Stoykov's allegations of ill-treatment by the police during his arrest and the hours that followed it.

On 26 February 2009 Mr Stoykov was arrested by the police at his home in the early hours of the morning. He was accused, together with two others, of the theft of a substantial sum of money belonging to a local company. He alleges that he was ill-treated throughout his time in police custody. The same day he and two other persons were formally charged and the prosecutor ordered his placement in detention. A medical certificate issued the following day recorded bruising, abrasions and injuries to various parts of Mr Stoykov's body. On 15 May 2010 he was found guilty and sentenced to 16 years and six months' imprisonment. The court considered that he had not been forced to confess and that he had voluntarily shown the police the place where he had hidden the stolen money. In November 2010 Mr Stoykov lodged a complaint with the Chief Public Prosecutor and the Ministry of the Interior alleging that he had been subjected to ill-treatment on 26 February 2009. The regional prosecutor's office refused to open criminal proceedings against the police officers concerned, and the appellate prosecutor gave a final decision upholding the regional prosecutor's decision not to prosecute.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Stoykov alleges that he was the victim of police violence during and after his arrest on 26 February 2009. He complains that the investigation into the circumstances surrounding his arrest was ineffective.

Alouache v. France (no. 28724/11)

The applicant, Rhalid Alouache, is a French national who was born in 1980 and is detained in Luynes.

The case concerns a complaint regarding the manner in which the notice of appeal lodged by Mr Alouache against his placement in detention was drawn up and sent.

In February 2007 a judicial investigation was opened against Mr Alouache on charges of criminal conspiracy and drug trafficking. Mr Alouache was arrested by the Moroccan police in Casablanca and handed over to the French authorities in the context of extradition proceedings. He was placed under formal investigation and placed in pre-trial detention in Luynes Prison. On 2 July 2010 one of his two lawyers told the prison officer supervising the visitors' room that his client wished to appeal against the pre-trial detention order. After confirming his intention in a letter deposited with the registry by his lawyer, Mr Alouache was allowed to go to the prison registry to submit the notice of appeal. On 8 July 2010 he gave his lawyer his copy of the notice of appeal, dated 2 July 2010. The

document made no reference to any request to appear in person, but the box for requesting immediate examination of the appeal had been ticked. On consulting the file at the registry of the Investigation Division, the lawyer noticed that the transcribed version of the notice of appeal made no reference to any urgent application for protection of a fundamental freedom having been lodged by the applicant, but did feature a request to appear in person. Arguing that there were irregularities in the file, the lawyer requested that the case be adjourned and that the original notice of appeal be produced. On 15 July 2010 Mr Alouache applied for automatic release on the grounds that the three-day time-limit for a decision on his urgent application, and the ten-day time-limit for a decision on the appeal, had been exceeded. The Investigation Division of the Court of Appeal upheld the detention order, and Mr Alouache appealed on points of law. His appeal was dismissed by the Court of Cassation. In November 2010 Mr Alouache lodged a complaint for forgery and use of forged official documents by a person exercising public authority in the performance of his duties, and applied to join the proceedings as a civil party. The investigating judge issued a decision not to investigate. Mr Alouache applied to the Court of Cassation, which in turn rejected his application. On 7 July 2011 the Criminal Court sentenced Mr Alouache to nine years' imprisonment and a fine of 30,000 euros (EUR).

Relying on Article 5 (right to liberty and security/right to a speedy decision on the lawfulness of detention), Mr Alouache complains about the decision of the Investigation Division to refuse his application for release. Under Article 6 § 1 (right to a fair trial within a reasonable time), he alleges that the Investigation Division based its decision on the notice of appeal as transcribed by the investigating judge's assistant from the original received from the prison registry, which he considers to have been falsified.

Lecomte v. Germany (no. 80442/12)

The applicant, Cécile Lecomte, is a French national who was born in 1981 and lives in Lüneburg (Germany).

The case concerns, in particular, Ms Lecomte's complaint that the conditions of her detention for preventive purposes in two police stations, for a total period of three days, were poor and humiliating.

Ms Lecomte is an anti-nuclear and environmental activist. She was arrested on 6 November 2008 after having fixed, together with other activists, a number of banners on a railway bridge. The banners aimed to express the activists' protest against the impending transportation of nuclear waste by train from La Hague, France, to an interim storage facility in Gorleben, Germany.

On the evening of the same day, a district court ordered Ms Lecomte's detention for preventive purposes until the arrival of the containers with the nuclear material at the train station which was their destination, and until 10 November at midnight at the latest. On the following day, the regional court dismissed her appeal against that decision. In the late afternoon of 9 November 2008 the district court quashed its order and ordered her immediate release.

Ms Lecomte's court action against the local police to complain about the unlawfulness of both the order for her detention and the conditions of her detention was dismissed by the district court in 2009. That decision was upheld by the regional court. The Federal Constitutional Court declined to consider her constitutional complaint, without giving reasons, in two separate decisions, on 24 August 2010 and on 30 May 2012, the first one concerning the complaint about the lawfulness of her detention and the second one concerning the complaint about the conditions of her detention.

Ms Lecomte complains that the conditions in which she was kept in police custody, viewed in their entirety, were in breach of Article 3 (prohibition of inhuman or degrading treatment). In particular: the cell where she was kept in the first police station for one night and a half day was very small and had no window but only ventilation slots; in the second police station she had to pass by some photographs of shackled persons on the walls of the detention wing each time she went to the

toilet; and she did not have sufficient possibilities for outdoor exercise. She also complains that her detention for preventive purposes was unlawful and in breach of Article 5 § 1 (right to liberty and security), Article 10 (freedom of expression) and Article 11 (freedom of assembly and association).

Memlika v. Greece (no. 37991/12)

The applicants, Novrus Memlika, his wife Leonora Memlika and their children Sebastian and Katerina Memlika, are Albanian nationals who were born in 1968, 1978, 2000 and 2004 respectively and live in Panaitolio Aitoloakarnania (Greece).

The case concerns the exclusion of the children, aged seven and eleven, from school after they were wrongly diagnosed with leprosy.

The Memlika family has been settled in Greece for around ten years. According to Mr Memlika, he was informed on 6 May 2011 by the director of a dermatology clinic that he had leprosy (Hansen's disease) and that, since the disease was contagious, he would have to be admitted to hospital and the whole family would have to go there for tests. On 20 May 2011 the director informed them that they were all suffering from the disease. Several articles were published in the press reporting cases of leprosy in the region. The members of the family were treated with medication and were able to leave hospital. The regional director of public health warned the family that the children should stop attending school and that the whole family should report to the hospital once a week for tests and treatment.

On 30 June 2011 Mr Memlika attended a hospital which specialised in infectious diseases and had a treatment centre for Hansen's disease. A biopsy showed that Mr Memlika did not have the disease.

On 8 December 2011 a panel of specialists met to examine the applicants, and concluded that none of them was suffering from Hansen's disease and that they therefore represented no danger to public health. The children returned to school two days later.

Relying on Article 2 of Protocol No. 1 (right to education), the applicants complain about the exclusion from school of the children Sebastian and Katerina Memlika. Under Article 13 (right to an effective remedy), they complain that they did not have an effective domestic remedy available to them.

N.P. v. the Republic of Moldova (no. 58455/13)

The applicant, Ms N.P., is a Moldovan national who was born in 1986 and lives in Chișinău. The case concerns the withdrawal of her parental authority and restrictions on visiting rights to her daughter.

On 22 September 2011 the police were called to the applicant's home by a neighbour. The police, finding the applicant and her mother in a drunken fight and her four-year-old daughter dirty, hungry and crying, removed the child from her home and placed her in care. In the ensuing court proceedings, it was decided in February 2012 at first-instance to withdraw the applicant's parental authority. The first-instance court relied on the police report of September 2011, an inspection of the applicant's home (found to be unsanitary as it had no running water, electricity or gas) and submissions from the social services reporting that the child was generally neglected by her mother, often had to beg neighbours for food and did not attend school. Before the courts the applicant submitted that, as a single parent without financial support, she was in a difficult situation but that, whilst the court proceedings were ongoing, she had obtained employment, improved her living conditions and sought to enrol her daughter in pre-school. Ultimately, however, in May 2013 the Supreme Court of Justice upheld the lower courts' decisions to withdraw parental authority.

The applicant's repeated requests to visit her daughter were refused: initially because the court proceedings were still pending; and then in October 2013, when a guardian – the child's aunt – was appointed, because she no longer had parental rights. In December 2013 the social services eventually allowed visits on Saturdays in the presence of the child's guardian.

Relying on Article 8 (right to respect for private and family life), the applicant complained about the national courts' decisions to withdraw her parental authority and the restrictions on visiting rights to her daughter. Accepting that it might have been beneficial for her daughter to be taken temporarily into care, she alleged that the authorities could have found a less severe measure than simply withdrawing her parental authority, without taking into consideration the improvements she had made to her situation and without providing support to help her raise her daughter herself.

Krasnodębska-Kazikowska and Łuniewska v. Poland (no. 26860/11)

The applicants, Maria Krasnodębska Kazikowska and Hanna Łuniewska, are Polish nationals who were born in 1942 and 1943 respectively and live in Warsaw.

The case concerns conflicting domestic case-law on the time-limit for bringing compensation claims for damage caused by an unlawful administrative decision.

Ms Krasnodębska Kazikowska and Ms Łuniewska are sisters and the legal successors to land formally owned by their mother. An administrative decision made in 1971 obliged their mother to transfer this land to the State Treasury without compensation. In December 2005 the sisters obtained an administrative decision declaring that the 1971 decision had been unlawful and entitling them to seek compensation. In August 2006, the sisters brought their compensation claim. In May 2009 the first instance court held that the claim had been brought within the time-limit, allowed their claim and awarded them compensation. The second instance court overturned this decision holding that the time-limit had started to run from an earlier date and that as such, the sisters' claim was, in fact, out of time. The Supreme Court refused to consider their cassation appeal, holding that it did not raise a significant legal issue. Other claimants for compensation arising from the same legal and factual background were successful, the courts applying the later time limit.

In January 2010, the Supreme Court, noting the two different strands of case-law, considered the issue and held that the time-limit within which to claim compensation for damage caused by an unlawful administrative decision started to run from the later date.

Relying on Article 1 of Protocol No. 1 (protection of property), the sisters complain that, due to differences in the national case law in applying the time-limit for bringing compensation claims for unlawful administrative decisions, they had been denied compensation for damages. They notably allege that this created legal uncertainty as they were unsuccessful in their claim while other applicants with the same legal and factual background were successful.

Stasik v. Poland (no. 21823/12)

The applicant, Mirosław Stasik, is a Polish national who was born in 1974 and lives in Sulejówek (Poland).

The case concerns the enforcement of Mr Stasik's contact rights with his child and the length of his divorce proceedings.

In April 2007, Mr Stasik's wife left the matrimonial home with the couple's son, M., born on 1 July 2004, and filed an action for separation in August 2008. The marriage was eventually dissolved in March 2013 by the first-instance court which granted the mother custody and authorised Mr Stasik contact rights with his son. Both parties lodged appeals against this judgment which were ultimately dismissed in October 2013.

Pending those divorce proceedings, Mr Stasik and his wife initially managed to arrange contact with their son between themselves. However, difficulties arose in 2008 and Mr Stasik submitted a request to the domestic court to issue a contact order. Thus, in September 2008 the court issued an interim contact order. Nevertheless, the problems persisted and in April 2009, following an application by Mr Stasik, the court imposed a fine on his wife for failure to comply with the access arrangements. Another interim contact order was then issued which was subsequently amended in July 2010. In

December 2011, the court set a 14-day time limit for his wife to comply with the terms of the July 2010 interim order on pain of a fine. In February 2012, Mr Stasik lodged a further request for enforcement of his contact rights. The enforcement proceedings were subsequently discontinued as the issue of contact rights had been regulated in the final divorce settlement.

Relying on Article 8 (right to respect for private and family life) and Article 6 § 1 (right to a fair hearing within a reasonable time), Mr Stasik alleges that the Polish authorities failed to take effective steps to enforce his right of contact with his son and that the length of the divorce proceedings was excessive.

Żuk v. Poland (no. 48286/11)

The applicant, Danuta Bronisława Żuk, is a Polish national who was born in 1951 and lives in Szczecin (Poland).

The case concerns Ms Żuk's claim to purchase two plots of state-owned land and the non-enforcement of a final judgment in her favour with regard to that claim.

By an administrative decision of November 1989 the Szczecin Town Council held that Ms Żuk's husband was entitled to purchase plots of land owned by the State Treasury. The Town Council was obliged to sell the land to him on the basis of that decision. This entitlement was confirmed in another administrative decision in March 1990.

However, the Szczecin municipality refused to transfer ownership of the land to Ms Żuk and her husband as the land they wished to claim had been designated for non-agricultural purposes under a new land development plan. Notably, on 16 May 1994 the municipality had adopted a local land development plan which provided that land situated within the administrative limits of the municipality was designated for non-agricultural purposes.

In April 2003, Ms Żuk and her husband lodged a civil action against the Szczecin municipality requesting the court to oblige it to sell the land to which they were entitled on the basis of the 1989 decision. The Szczecin District Court dismissed the claim. However, in September 2004 Ms Żuk and her husband were successful on appeal to the Szczecin Regional Court which allowed the claim and obliged the municipality to sell them the land concerned. That court notably found that the 1989 administrative decision created a right to buy the plot of land concerned and that the legal reform of 1990 did not affect the validity of Ms Żuk's claim. This decision, which became final, was not implemented and, in 2008, Ms Żuk and her husband initiated further civil proceedings seeking to have their rights realised. These proceedings were unsuccessful.

Relying on Article 6 (right to a fair hearing within a reasonable time / access to court) and Article 1 of Protocol No. 1 (protection of property), Ms Żuk notably complains that her rights originating in the administrative decisions of 1989 and 1990 and later confirmed by the final judicial decision of 2004 have never been enforced.

Coniac v. Romania (no. 4941/07)

The applicant, Victor Coniac, is a Romanian national who was born in 1955 and lives in Focsani (Romania).

The case concerns Mr Coniac's complaint that he was convicted of fraud in his absence without being informed of the accusations against him or being heard by the investigating authorities or any court.

In September 2003, criminal proceedings were instituted against Mr Coniac, the administrator of four commercial companies, on charges of fraud. The proceedings before the first-instance court took place in Mr Coniac's absence, as he had left Romania for Italy in June 2003. In May 2005, the County Court found him guilty of fraud and imposed a three-year suspended sentence. On appeal

(by both parties) Mr Coniac claimed that his defence rights had not been observed as he had not been notified of the accusations against him and had not been summoned to attend the hearing. In December 2005, the Court of Appeal allowed the appeal lodged by the prosecutor's office in part and increased Mr Coniac's sentence. Mr Coniac appealed to the High Court of Cassation and Justice. He attended all the hearings but he was not heard by the court. The High Court held that Mr Coniac could not rely on his absence from the proceedings by way of defence finding that he had left Romania in order to avoid the investigation and the trial against him.

Relying on Article 6 of the Convention (right to a fair trial), Mr Coniac alleges, in particular, that the criminal proceedings against him had not been fair in so far as he had been convicted without evidence being heard directly either from him or from witnesses.

Marius Dragomir v. Romania (no. 21528/09)

The applicant, Marius Dragomir, is a Romanian national who was born in 1979 and lives in London.

The case concerns Mr Dragomir's conviction on appeal without evidence being taken directly and despite the fact that he had been acquitted at first instance on the basis of the same evidence.

On 30 June 2006 Mr Dragomir and two other individuals were committed for trial on charges of aggravated rape. They were accused of raping N.B. in the flat belonging to one of them. The three men did not deny having sexual relations with N.B., but claimed that they had been consensual and that N.B. had been given money. The District Court acquitted Mr Dragomir and the other two men. The County Court then set aside the first-instance judgment and convicted the three men of aggravated rape. In the County Court's view, the statements of the witnesses proposed by the accused in order to demonstrate N.B.'s immoral character were untrue and were contradicted by the medical documents. No evidence was taken at the appeal stage. Mr Dragomir was sentenced to five and a half years' imprisonment. He lodged a further appeal against the appellate judgment, claiming that the Court of Appeal had convicted him without taking evidence directly and despite the fact that he had been acquitted by the first-instance court on the basis of the same evidence. His appeal was dismissed.

Relying on Article 6 § 1 (right to a fair trial), Mr Dragomir complains that he did not have a fair trial, alleging that he was convicted on appeal without evidence being taken directly and despite the fact that he had been acquitted at first instance on the basis of the same evidence.

Mirea v. Romania (no. 19314/07)

The applicant, Călin Eusebiu Mirea, is a Romanian national who was born in 1968 and lives in Braşov.

The case concerns Mr Mirea's complaint that his conviction for, among other things, aiding and abetting extremely aggravated murder was unfair as evidence of his role as an intelligence service informant had been withheld during the criminal proceedings against him.

On 25 September 2002, Mr Mirea was contacted by M.V., a business man for whom he was working, to go to headquarters. On arriving he discovered a severely beaten man begging M.V. for his life. The man was driven away in the boot of his own car and murdered. Mr Mirea went to the scene of the crime and drove the attackers back to their homes. Mr Mirea, who at the time was also providing information on M.V's business activities to the Romanian Intelligence Service ("the SRI"), subsequently contacted S.S, an operative officer, and informed him of what had happened.

One of the participants in the murder later confessed to the police and a criminal investigation was launched. Mr Mirea was informed in October 2003 that he was accused of aiding and abetting illegal deprivation of liberty and extremely aggravated murder. He was convicted in November 2004 as charged and sentenced to seven years' imprisonment. Throughout the criminal proceedings, Mr Mirea argued that he had only been present at the murder scene as he had infiltrated M.V.'s group as an informant on behalf of the SRI and had felt coerced by M.V. into participating in the

crime. The County Court acknowledged that Mr Mirea was transmitting information on M.V.'s group to officer S.S., however noted that the SRI denied that they had actually infiltrated him into the group or that the information he had provided about the murder had been the result of collaboration with the intelligence services. The County Court decided that as such, Mr Mirea could not benefit from any status as an SRI informant. This judgment was subsequently upheld by the Braşov Court of Appeal and the Court of Appeal's decision was then upheld by the Braşov High Court of Cassation and Justice.

Mr Mirea requested a revision of the final decision on the basis that it was impossible to prove before the ordinary courts that he was an SRI informant. In November 2008, the County Court acquitted Mr Mirea on both counts. However, that judgment was then quashed on appeal. Mr Mirea's appeal was finally dismissed by the High Court of Cassation and Justice in October 2010.

Relying on Article 6 (right to a fair trial within a reasonable time), Mr Mirea complains about the unfairness and excessive length of the criminal proceedings against him. In particular, he alleges that it was impossible for him to present his case and make his defence as evidence to explain why he had been present at the murder scene – namely to collect information for the SRI – was withheld by the intelligence services.

Boris Ivanov v. Russia (no. 12311/06)

The applicant, Boris Nikolayevich Ivanov, is a Russian national who was born in 1965 and lives in Tolyatti.

The case concerns Mr Ivanov's allegations that he was subjected to inhuman and degrading treatment by his fellow prisoners.

In July 2003 Mr Ivanov was arrested on suspicion of fraud and placed in pre-trial detention. He was transferred to the IZ-47/1 detention facility in St Petersburg. On 29 August 2003 he was placed in a cell already occupied by three prisoners. Mr Ivanov claims that his fellow inmates beat him up – in the presence of a prison officer – in an attempt to extort money from him. On 31 August 2003 he was examined by the facility's doctor, who noted several injuries to his head and body. A further medical examination confirmed the diagnosis. Mr Ivanov contends that he addressed several complaints of ill-treatment to the prosecutor's office but that the prison authorities did not send them on. In 2005, in the course of the criminal proceedings against him, Mr Ivanov underwent a psychiatric examination which found him to be suffering from an organic schizophrenic delusional disorder, the symptoms of which might have first appeared in 2003. Following this expert examination the court ordered his compulsory admission to a psychiatric hospital.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Ivanov alleges that he was subjected to inhuman and degrading treatment by his fellow inmates and that no effective investigation was carried out into his complaints.

Gorshchuk v. Russia (no. 31316/09)

The applicant, Sergey Gorshchuk, is a Russian national who was born in 1969 and lives in Nizhniy Novgorod (Russia).

The case concerns Mr Gorshchuk's complaint that he was ill-treated in police custody.

In September 2007 Mr Gorshchuk was arrested by the police and taken for questioning about the murder of a man in Nizhniy Novgorod public garden. According to Mr Gorshchuk, he was beaten by the police when he refused to confess to the murder. He alleges that he eventually signed a confession in pre-trial detention in November 2007 when threatened by two police officers. He later retracted his confession. The outcome of the proceedings against him is unknown.

Mr Gorshchuk wrote to the detention authorities complaining that he had been ill-treated in police custody and requesting that an inquiry be carried out. No criminal proceedings have however ever been opened, the investigating authorities finding that no crime had been committed. Nor has any judicial review been carried out of that decision as the courts found that any examination of Mr Gorshchuk's appeal against the decision to not open criminal proceedings against the police officers had to be carried out in the context of the criminal case against him so as not to prejudice the legal assessment of his confession.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Mr Gorshchuk complains about his ill-treatment in police custody, submitting in particular medical records drawn up on his arrival in the pre-trial detention facilities which stated that he had injuries to his head, chin, chest and shoulder. He also complains that no effective investigation into his allegations of ill-treatment has ever been carried out.

Sergeyev v. Russia (no. 41090/05)

The applicant, Mikhail Rostislavovich Sergeyev, is a Russian national who was born in 1975 and lives in Bryansk.

The case concerns Mr Sergeyev's allegations of poor conditions of detention in prison.

In November 2003 Mr Sergeyev, who was a police officer at the time, was arrested on suspicion of unlawful possession of a firearm. He was remanded in custody in order to prevent him from obstructing the course of justice. On 22 February 2005 he was found guilty of unlawful possession of a firearm and handling stolen goods and was sentenced to a prison term. He was detained in detention facility IZ-40/1 and in the temporary detention centre (IVS) at the Babininski district police station in the Kaluga Region. With regard to detention facility IZ-40/1, Mr Sergeyev complains in particular of overcrowding, lack of privacy and poor hygiene standards; as regards the Babininski IVS, he alleges that there was an insufficient number of beds, windows and showers, that the hygiene and sanitary conditions were generally unsatisfactory and that the food was inadequate.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Sergeyev complains about his conditions of detention in Kaluga detention facility IZ/40-1 and in the IVS in Babininski; under Article 5 § 3 (right to liberty and security), he complains of the length of his pre-trial detention.

Turbylev v. Russia (no. 4722/09)

The applicant, Andrey Turbylev, is a Russian national who was born in 1970 and lives in Ukhta (Komi Republic, Russia). The case concerns his complaint of having been ill-treated in police custody and of the alleged unfairness of the criminal trial against him, in which his confession, made as a result of his ill-treatment and in the absence of a lawyer, was used as evidence.

Mr Turbylev was arrested on 26 August 2005 on suspicion of having committed a robbery together with two other persons and then interviewed by police officers about his alleged involvement in the crime. According to Mr Turbylev, they demanded that he confess to the robbery, and one officer punched and kicked him. Fearing new violence, Mr Turbylev confessed to having participated in the crime and signed a record of his "surrender and confession" which had been drawn up by the police. When questioned as a suspect in the presence of a lawyer on the following day, Mr Turbylev retracted the confession, explaining that he had made it as a result of ill-treatment by the police.

Following a request by Mr Turbylev's lawyer, an inquiry into the alleged ill-treatment was opened by the prosecutor's office. The investigator initially decided that no criminal case was to be opened. However, that decision was later set aside by the prosecutor, who noted that further investigative steps were necessary, in particular an identification parade to identify the police officer who had beaten Mr Turbylev. A criminal case into the alleged ill-treatment was opened in December 2005;

the proceedings were subsequently terminated and reopened on several occasions before being eventually terminated in April 2007.

In December 2007 Mr Turbylev was convicted of high-value theft with unlawful entry, committed in conspiracy by a group of persons, and sentenced to six years' imprisonment. The trial court based its judgment, among other evidence, to a significant extent on his statement of "surrender and confession", having dismissed a request by Mr Turbylev's lawyer to have that statement excluded from the evidence. The judgment was upheld on appeal, and the Russian Supreme Court dismissed a request for supervisory review by a decision which became final in March 2009.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Turbylev complains that he was subjected to ill-treatment in police custody in order to make him confess. He also complains, relying in substance on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), that his trial was unfair on account of the use of the confession extracted from him as a result of ill-treatment by the police when he had no access to a lawyer.

Stibilj v. Slovenia (nos. 1446/07 and 5667/07)

The applicants, Ivanka and Anamarija Stibilj, mother and daughter, are Slovenian nationals who were born in 1921 and 1949 respectively and live in Ajdovščina (Slovenia).

The case concerns their complaint about the excessive length of land consolidation proceedings.

The applicants brought various administrative and judicial proceedings constituting different stages of one and the same dispute with regard to the allotment of plots of land in land consolidation proceedings. Those proceedings commenced in 1989 before the lower administrative courts and, actions for judicial review having been granted in 2003 and 2009, are currently still pending before the Ajdovščina Administrative Unit, the body which has competence to decide on land consolidation matters.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy), the applicants complain that the length – more than 21 years – of the land consolidation proceedings was excessive and that the remedies available for them to complain were ineffective.

Belek and Velioğlu v. Turkey (no. 44227/04)

The applicants, Ahmet Sami Belek and Savaş Velioğlu, are Turkish nationals who were born in 1953 and 1981. They are the proprietor and editor respectively of the daily newspaper *Günlük Evrensel*, which has its registered office in Istanbul.

On 21 May 2003 the newspaper published an article containing a statement by members of KADEK (Kurdistan Freedom and Democracy Congress) who were in prison at the time. The activists in question called for a democratic solution to the Kurdish question and stressed the importance of, and need for, an amnesty law. The article also criticised the conditions of detention of Abdullah Öcalan, the head of KADEK, and the law on remorse.

On 22 May 2003 the public prosecutor issued an indictment against the applicants. On 10 December 2003 the Istanbul State Security Court ordered Mr Belek and Mr Velioğlu to pay a fine equivalent to approximately EUR 575 and EUR 285 respectively. It also banned the publication of the newspaper for three days.

The applicants appealed on points of law, relying on Articles 6 (right to a fair trial) and 10 (freedom of expression) of the European Convention on Human Rights. The Court of Cassation upheld the first-instance judgment.

After a change in the legislation the Assize Court – which had assumed jurisdiction following the abolition of the State Security Courts – lifted the ban on publication of the newspaper and held that this part of the judgment against the applicants should not be executed.

Relying on Article 10 (freedom of expression), the applicants complain about their criminal conviction and the ban on publication of the newspaper.

Kavaklıoğlu and Others v. Turkey (no. 15397/02)

The applicants are 74 Turkish nationals. The case concerns the operation launched on 26 September 1999 to quell an uprising in Ulucanlar Central Prison in Ankara. Nine of the applicants are relatives of eight prisoners who died, while the remaining 65 are prisoners who were injured during the operation.

There was a long history of clashes between the prison staff in Ulucanlar and some of the 170 male and female inmates convicted and imprisoned for membership of illegal extreme left-wing organisations. The authorities were aware of the problems relating to overcrowding and the age and unsuitability of the prison premises. In January 1996, under the auspices of the prefect, a first plan of action was prepared by the public prosecutor's office and the Ankara regional gendarme command (CDGA) in order to deal with a suspected future uprising in the prison. That plan was not put into action. Following an increase in criminal activity between January and August 1998, the CDGA alerted the authorities to the risk of a riot inside the prison owing to a situation that was no longer within the control of the prison staff. From September 1998 onwards the prisoners gradually took control of parts of the prison. At the request of the Ankara public prosecutor's office the gendarmerie ordered searches to be carried out and some of the prisoners to be transferred. Those operations were partially prevented. The hostilities subsequently escalated.

On 26 September 1999 at around 4 a.m. gendarmerie action units entered the prison. A series of very violent clashes broke out between the security forces and the left-wing extremists. Several people were killed and injured.

A parliamentary inquiry was launched in the wake of the operation. Disciplinary proceedings were started against the prison governor and his four deputies following the discovery of weapons and various illicit substances and objects in the prison. The persons concerned were accused of breaching their duty of supervision in the performance of their duties. The disciplinary board held that no fault had been committed.

Criminal proceedings were opened automatically against certain prison officers for negligence in the performance of their duties. The public prosecutor discontinued the proceedings.

The case is still pending before the Court of Cassation.

The European Court of Human Rights gave a decision in the case on 5 January 2010.

Relying on Articles 2 (right to life) and 3 (prohibition of inhuman and degrading treatment), nine of the applicants maintain that their relatives were killed by the security forces. The remaining applicants complain of the ill-treatment to which they were allegedly subjected during and after the operation carried out in Ulucanlar. The applicants allege that the investigations carried out were inadequate and ineffective. Relying on Article 1 of Protocol No. 1, they also complain of the destruction or confiscation of their personal effects by the security forces after the operation.

Metin Gültekin and Others v. Turkey (no. 17081/06)

The applicants, Metin Gültekin, Gülten Gültekin, Tanju Gültekin, and Selma Karaduman, are Turkish nationals who were born in 1960, 1963, 1988, and 1986 respectively and live in Zonguldak (Turkey).

The case concerns the death of their close relative, Toğay Gültekin (born in 1983), of acute liver failure during his compulsory military service. Metin and Gülten Gültekin are his parents, Tanju Gültekin his brother and Selma Karaduman his fiancée.

Toğay, feeling unwell and complaining that he thought he might have contracted hepatitis, first went to his regimental infirmary on 17 March 2004. The doctor who examined him decided to refer him to a hospital specialising in infectious diseases. Toğay was not however taken to hospital and he went back to the infirmary on two further occasions, on 20 March when he was diagnosed with and treated for an infection of the upper respiratory tract and on 22 March when he was again referred to hospital for suspected hepatitis or meningoencephalitis. He was eventually sent to Edirne hospital on 23 March and, diagnosed with acute liver failure, was transferred to a hospital in Istanbul for a liver transplant operation. He died on 27 March before having had the operation.

The military investigation concluded that the military authorities had acted in accordance with their duties to provide medical assistance and could not be held responsible for Toğay's death.

In September 2004 the applicants instituted compensation proceedings against the Ministry of Defence before the Supreme Military Administrative Court. In October 2005 that court dismissed the applicants' case. It relied essentially on a medical expert report commissioned for the proceedings in which three experts concluded that the military authorities had not been negligent: notably, hepatitis could be difficult to diagnose in the initial stages as it could be confused with the less serious diagnosis of an infection of the upper respiratory tract. In those proceedings the Ministry of Defence denied that Toğay had been examined by a doctor and referred to hospital on 17 March 2004, nor had he apparently gone to the infirmary between 16 February and 20 March 2004.

Relying on Article 2 (right to life), the applicants alleged that the military authorities' repeated failure to send their relative to hospital between 17 and 23 March 2004 had delayed his access to appropriate medical treatment and had caused his death.

Müdür Duman v. Turkey (no. 15450/03)

The applicant, Müdür Duman, is a Turkish national who was born in 1956 and lives in Istanbul (Turkey). Mr Duman was the director of the Eminönü district branch of HADEP (Halkın Demokrasi Partisi – The People's Democracy Party). The case concerns his denial of responsibility for materials found in his branch office relating to the PKK (the Kurdistan Worker's Party), an illegal armed organisation, which led to his prosecution and conviction.

On 24 June 2000 a demonstration, organised by a number of trade unions, took place in Istanbul. During the event, some of the participants carried signs and chanted slogans in support of Abdullah Öcalan, the leader of the PKK. These demonstrators were identified by the police as being members of HADEP. Following this demonstration, on 26 June 2000, the Eminönü branch office of HADEP was searched by the police. The search protocol, signed by Mr Duman, indicated that illegal publications and flags and symbols of the PKK had been found there, together with pictures, articles and books relating to Mr Öcalan.

In the ensuing criminal proceedings brought against him he denied any knowledge of or responsibility for the pictures, symbols and other materials found at his branch office. On 15 June 2001 a hearing was held in his absence during which he was found guilty of the offence of praising and condoning acts punishable by law. He was sentenced to six month's imprisonment and given a fine of 91,260,000 old Turkish liras. Mr Duman appealed, and on 5 June 2002, the Court of Cassation quashed the fine imposed but upheld the remainder of the judgment.

Relying on Article 10, Mr Duman complains that his conviction breached his right to freedom of expression and to impart and share information. Also relying on Article 6 §§ 1 and 3 (b) (right to adequate time and facilities for preparation of defence), he further complains that his right to

defend himself was violated as the court of first instance delivered its decision in his absence without giving him the opportunity to submit his defence and reply to allegations.

Karpyuk and Others v. Ukraine (nos. 30582/04 and 32152/04)

The applicants, Mykola Karpyuk, Mykola Lyakhovych, Igor Mazur, Sergiy Galchyk, Oleg Buryachok, Andriy Kosenko, and Grygoriy Lyakhovych, are Ukrainian nationals who were born between 1964 and 1982 respectively. Andriy Kosenko died in 2009 and his father pursued the application on his behalf. The case concerns, in particular, the trial against the applicants following their participation in mass protests in Kyiv in March 2001.

The applicants, who at the time were leaders, members or supporters of a nationalist party, the Ukrainian National Assembly, participated in a political rally on 9 March 2001, the 187th birthday of Taras Shevchenko, a famous Ukrainian poet. The rally aimed to prevent the then President of Ukraine, Leonid Kuchma, from laying down flowers at the monument to Shevchenko in Kyiv. In the afternoon of the same day, a group of protesters, including the applicants, marched to the Ministry of the Interior, to demand the release of other protesters who had been arrested during the events earlier on that day, and later in the direction of the President's Administration building. Clashes between the protesters and the police occurred near the monument and near the President's Administration building.

The applicants maintain that they participated in the protests but behaved peacefully. According to the later findings of the domestic courts, three of the applicants played a leading role in inciting attacks on the police, and the remaining applicants participated in those attacks.

All applicants were arrested on the day of the protests or during the following days and placed in pre-trial detention, one of them being released a few days later on an undertaking not to abscond. They were charged with organising and participating in mass disorder. In December 2002 they were convicted of the offences of organising and/or actively participating in mass disorder. They received sentences between two and five years' imprisonment, one prison sentence of two years being suspended. The judgment was upheld by the appeal court and, in March 2004, by the Supreme Court, which reduced the prison sentence given to some of the applicants.

Relying on Article 3 (prohibition of inhuman or degrading treatment), six of the applicants complain that during the court proceedings they were confined in a metal cage in the courtroom. Also relying on Article 3, one of those applicants complains that he was ill-treated in police custody and that his complaint in that respect was not investigated; he further complains that he did not have an effective remedy in respect of that complaint, alleging a breach of Article 13 (right to an effective remedy). All applicants allege violations of Article 6 (right to a fair trial), complaining that their trial was unfair. In particular, they maintain: that they had no opportunity to confront witnesses and/or were not adequately represented by a lawyer and/or did not have adequate access to a lawyer; that the principle of equality of arms was not respected in the course of their trial; and that one of the applicants was excluded from the courtroom for a part of the trial. Finally, they maintain that the denial of access to the Shevchenko monument and their arrest and conviction breached their rights under Article 10 (freedom of expression) and Article 11 (freedom of assembly and association).

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.

Valio Shipping Company v. Albania (no. 34230/07)
Pellitteri and Lupo and Others v. Italy (no. 50825/06)
Quintiliani v. Italy (no. 9167/05)

Thursday 8 October 2015

Gahramanli and Others v. Azerbaijan (no. 36503/11)

The applicants, Fuad Ali oglu Gahramanli, Zalimkhan Adil oglu Mammadli, and Namizad Heydar oglu Safarov, are Azerbaijani nationals who were born in 1975, 1957, and 1955 respectively and live in Baku.

The case concerns allegations of electoral fraud and irregularities during the 2010 parliamentary elections.

On 7 November 2010 the applicants stood as candidates for various opposition political parties in the parliamentary elections which took place in the constituency of Khatai. On 10 November they lodged a complaint with the Central Electoral Commission, alleging – among other things – unlawful interference with the election process by electoral commission members, undue influence on voter choice, obstruction of observers and ballot-box stuffing. In a decision of 21 November 2010 the commission dismissed the applicants' complaints as unsubstantiated, concluding in particular that the statements made by observers about irregularities had been subjective and had in any event been contradicted by over one hundred other observers. The observers who had criticised the electoral process were not called for questioning by the commission; the applicants themselves were not called to the hearing on the decision in their case.

The applicants then brought court proceedings to appeal against the commission's decision and complain about the fact that the commission neither ensured their presence at the hearing on their case nor investigated their serious allegations. By a judgment of 26 November 2010 the Baku Court of Appeal, mostly reiterating the commission's findings, dismissed the applicants' appeal. This judgment was then upheld by the Supreme Court, which found that in any event it had to dismiss the applicants' appeal as the Constitutional Court had in the meantime already approved as final the election results.

Relying in particular on Article 3 of Protocol No. 1 (right to free elections), the applicants complain about a number of serious irregularities and breaches of the electoral law – making it impossible to determine the true opinion of voters – and the ensuing lack of an effective examination by the electoral commission and the domestic courts. They argue in particular that the structural composition of the electoral commissions, dominated at all levels by pro-government political forces, was not independent. This created unfair advantages for pro-Government candidates and led to the failure to effectively investigate allegations of irregularities. Lastly, they complain that their appeal to the Supreme Court had been deprived of all effectiveness, the election results already having been approved by the Constitutional Court.

Vujica v. Croatia (no. 56163/12)

The applicant, Klaudia Vujica, is an Austrian national who was born in 1974 and lives in Graz (Austria).

The case essentially concerns two parallel sets of proceedings in which the Croatian courts refused to return Ms Vujica's three children to her in Austria and awarded custody to the father.

Ms Vujica, married S.V. in Vienna (Austria) in 1997 and they had three children together, born in 1999, 2001 and 2006. They moved to Komletinci (Croatia) in 2006. The couple separated in 2009: S.V. remained in Croatia and Ms Vujica returned to Austria. At first the children stayed with their mother in Graz; however, in August 2010, after spending the summer holidays in Croatia with their father and paternal grandparents, the father refused to return them to their mother in Austria.

In September 2010 Ms Vujica therefore brought child return proceedings under the Hague Convention on the Civil Aspects of International Child Abduction via the Austrian Ministry of Justice. This request was forwarded to Vinkovic Municipal Court which dismissed Ms Vujica's request for the

return of her children on 19 November 2010. The court based its decision on a report by the Vinkovci social services, including the opinion of a social worker and a psychologist that it was not in the best interests of the children who, settled in their living and school environment in Croatia, had stated that they did not wish to return to Austria. This decision, upheld by Vukovar County Court, became final in February 2011.

Meanwhile, in August 2010 civil proceedings for divorce and custody commenced before the Croatian courts. At a hearing held on the case on 19 November 2010 (that is, two hours after the hearing in the return proceedings) before Vinkovci Municipal Court the parents informed the court that they had agreed that the two older children would live with their father but that they could not reach an agreement on the custody of the youngest child. Ms Vujica's lawyer requested the court to obtain a joint expert opinion from a psychiatrist and a psychologist to establish what was in the best interests of the younger child who, only four and half years old at the time, was in particular need of her mother. The court, rejecting this proposal, granted the divorce, decided that it was not advisable to separate the three children and that they should live with their father. Ms Vujica was granted contact rights. This decision, upheld by Vukovar County Court, became final in February 2011.

The father also brought Hague Convention proceedings in April 2011 as Ms Vujica had retained her youngest daughter in Austria despite an agreement at the custody hearing of 19 November 2010 that Ms Vujica could take her daughter to Austria and return her at the beginning of January 2011. The Austrian courts dismissed the father's request in September 2011 on the basis of a psychological report which found that separating the young girl from her mother would have devastating consequences.

Ms Vujica's constitutional complaints as concerned both the return and custody proceedings were dismissed in January 2012.

Relying on Article 8 (right to respect for [private and] family life), Ms Vujica complains about the Croatian courts' decisions refusing to return her children to her and awarding custody of all three children to their father. She complains in particular that the courts did not refer her and her former husband for mandatory mediation before the start of the divorce and custody proceedings and failed to stay those proceedings pending the final outcome of the return proceedings. Also relying on Article 6 § 1 (right to a fair hearing), she also complains that the divorce and custody proceedings were not fair as she had not been involved in the family assessment procedure carried out by the social services and on which the courts heavily relied when awarding custody to her former husband.

Benmouna v. France (no. 51097/13)

The applicants are Abdelkader Benmouna, an Algerian national who was born in 1958, and Malika Benmouna, born in 1968, Ahlem Benmouna, born in 1998, Rafelah Benmouna, born in 1992 and Djilali Benmouna, born in 1990, who are French nationals. They live in Saint-Etienne and are respectively the parents, sisters and brother of M.B.

The case concerns the suicide by hanging of M.B., who had been taken into custody in Chambon-Feugerolles police station in connection with an offence of attempted aggravated extortion. M.B. managed to thread a strip of fabric taken from his mattress cover through two holes in the cell wall and tie a knot in order to hang himself.

An investigation showed that the malfunctioning of the video surveillance system (blurred images and blind spots) and the deterioration of the wall covering had made it easier for M.B. to hang himself. Two autopsies were performed which gave no grounds to suspect third-party involvement. The investigating judge discontinued the proceedings on the grounds that, given the unforeseeable nature of M.B.'s actions, the unexpected use he had made of the holes in the wall and the mattress fabric and the speed with which he had carried out his actions, no one could be held responsible for

inadequate supervision. Both the Investigation Division of the Court of Appeal and the Court of Cassation dismissed the applicants' appeals.

Relying on Article 2 (right to life), the applicants contend in particular that the domestic authorities failed in their duty to protect the life of M.B. and omitted to conduct all the relevant inquiries, thereby failing in their obligation to carry out an effective investigation.

Sellal v. France (no. 32432/13)

The applicants, Karima Sellal and Fatima Sellal, are French nationals who were born in 1986 and 1982 and live in Chazay-d'Azergues. The case concerns the suicide of their brother (A.S.) in prison.

In March 2002 A.S. began serving a series of prison sentences. While he was in detention, further sentences were added. In December 2003 the judge responsible for the execution of sentences of the Vienne *tribunal de grande instance* (TGI) granted him release on licence subject to certain requirements. A month later the judge responsible for the execution of sentences of the Villefranche-sur-Saône TGI ordered A.S.'s provisional arrest following a report by the probation service. A.S. was arrested and placed in detention in Villefranche-sur-Saône Prison. The judge responsible for the execution of sentences of the Villefranche-sur-Saône TGI revoked his licence. On 7 April 2004 A.S. was found hanged in his cell.

His parents and siblings lodged a complaint with the courts for unintentional homicide and failure to assist a person in danger, and applied to join the proceedings as civil parties. The investigating judge ruled that there was no case to answer. The family appealed. The Court of Appeal upheld the investigating judge's ruling. A.S.'s parents and siblings also claimed compensation for damage from the Ministry of Justice, which dismissed their claim. The family then lodged a compensation claim in the Lyons Administrative Court. The Administrative Court dismissed the claim and the family appealed. The Lyons Administrative Court of Appeal upheld the Administrative Court decision. A.S.'s parents and siblings lodged an appeal on points of law, which the *Conseil d'État* declined to consider.

Relying on Article 2 (right to life), the applicants allege a breach of their brother's right to life.

Fartushin v. Russia (no. 38887/09)

The applicant, Sergey Valeryevich Fartushin, was a Russian national who was born in 1985 and who lived in Sarov (Russia). Mr Fartushin died in 2014.

The case principally concerns Mr Fartushin's allegations of his unrecorded detention and ill-treatment by the police.

On 5 May 2008 Mr Fartushin was contacted by the police and requested to go to the police station for questioning regarding the theft of a vehicle. At 2 p.m. that day Mr Fartushin went to the station as requested, leaving friends waiting for him outside. His arrival was registered in the police records. According to Mr Fartushin, once inside the police station officers demanded that he confess to the thefts. When he refused, he was shackled, beaten and threatened. On 6 May 2008 a lawyer appointed by Mr Fartushin's family made enquiries but was unable to locate him at the police station. Further police records report that Mr Fartushin had been arrested as a suspect on 6 May 2008 at 8.20 p.m. An ambulance was called at 9.15 p.m.

On 7 May 2008, Mr Fartushin lodged a complaint alleging that he had been unlawfully deprived of his liberty and ill-treated in police custody. His complaints were dismissed on the basis of the officers' statements denying the allegations that Mr Fartushin had been ill-treated or brought to the police station before 8.20 p.m. on 6 May 2008. The investigator ordered that no criminal proceedings should be instituted. Further decisions were given applying the same reasoning. Mr Fartushin appealed to the courts who ultimately ruled that the investigator's decision was lawful and well-grounded.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 (right to liberty and security), Mr Fartushin complains that he was unlawfully detained and ill-treated in police custody. Furthermore, that the authorities refusal to institute criminal proceedings in respect of his complaint of ill-treatment in police custody and unlawful detention was in breach of Article 13 of the Convention (right to an effective remedy).

Kharlamov v. Russia (no. 27447/07)

The applicant, Vladimir Kharlamov, is a Russian national who was born in 1948 and lives in Orel (Russia).

The case concerns a civil action in defamation brought against Mr Kharlamov by his employer, the Orel State Technical University, for criticising the manner in which its governing body had been elected.

On 26 December 2006 Mr Kharlamov, a university professor in physics, took the floor at a university-wide conference for the election of the university's academic senate, that is its standing governing body. Bringing his colleagues' attention to shortcomings in the election procedure, he argued in particular that the heads of department had failed to initiate any public discussion.

The Orel University subsequently sued Mr Kharlamov for defamation, claiming that his speech had undermined the professional reputation of the university and of its academic senate. Ultimately, in April 2007 the domestic courts found Mr Kharlamov liable for defamation because he had described the elected senate as "illegitimate" and because, on the strength of the available evidence, the academic senate elections had been run in full compliance with the applicable regulations.

Relying on Article 10 (freedom of expression), Mr Kharlamov complains that the defamation proceedings brought against him breached his right to freedom of expression.

Sergey Denisov v. Russia (no. 21566/13)
Tselovalnik v. Russia (no. 28333/13)

Both cases principally concern allegations of inadequate medical care in detention.

The applicants are, Sergey Pavlovich Denisov and Sergey Tselovalnik, Russian nationals who were born in 1971 and 1977, respectively. They are both currently serving prison sentences following drug trafficking offences. Mr Denisov is currently serving his sentence in Krasnoyarsk (Russia) and Mr Tselovalnik in Kemerovo (Russia).

The applicant in the first case, Mr Denisov, was arrested on 13 August 2012 on suspicion of having attempted to sell a large quantity of heroin. He was held in pre-trial detention until 7 August 2013 when he was released against an undertaking not to leave town. Mr Denisov's pre-trial detention was authorised and regularly reviewed by the court which held that his pre-trial detention was necessary as it was likely that he would abscond, reoffend or pervert the course of justice if released. On 24 March 2014, Mr Denisov was convicted of four counts of drug trafficking. The applicant in the second case, Mr Tselovalnik, was convicted of several counts of attempted drug trafficking on 19 November 2008 and sentenced to ten and half years' imprisonment.

Both men suffered from various illnesses during their detention.

Mr Denisov, suffering from HIV, cancer and chronic heptatis C, was regularly monitored during his detention, given treatment for his HIV and referred to a cancer specialist. A biopsy was recommended but refused by Mr Denisov.

Mr Tselovanlik started experiencing severe knee pain during his detention in December 2009, and, following numerous complaints, he was seen in June 2010 by a doctor who suspected that he might be suffering from rheumatoid polyarthritis. At the end of October 2012, in response to Mr Tselovalnik's continuous complaints of ongoing pain, he started to receive some limited

treatment and, in December 2012, was seen by various medical professionals but not by the appropriate specialist. Complaints made by Mr Tselovalnik regarding pain in other joints went unexamined. He was diagnosed with acute prostatitis in February 2013 but rather than seeing a specialist, as recommended, he was found fit for transfer.

Mr Denisov complained about his treatment to the authorites in November 2012 and requested a forensic medical expert examination. He received two letters of response in December 2012 informing him that the court had already examined his arguments regarding the state of his health and determining the issue of his pre-trial detention. Mr Tselovalnik complained on numerous occasions and to various authorities about the lack of proper medical assistance. He requested a forensic medical examination or an admission to a prison hospital for examination and treatment. In November 2013, he complained to the court regarding the lack of medical care, claiming that his health complaints had been systematically ignored. His claim was dismissed in January 2014 and his subsequent appeal dismissed in July 2014.

Relying on Article 3 (prohibition of inhuman or degrading treatment), both men complain that the authorities did not take steps to safeguard their health and well-being, having failed to provide them with adequate medical assistance. Mr Denisov argues in particular that his HIV treatment had been interrupted following his arrest and that his suffering from cancer and HIV infection had warranted his release. Mr Tselovalnik alleges in particular that the authorities failed to take the necessary measures to ensure an accurate diagnosis at an early stage of his disease. Also relying on Article 13 (right to an effective remedy), both men argue that they had not had an effective remedy to complain about the lack of medical assistance in detention. Finally Mr Denisov further complains under Article 5 (right to liberty and security) that his pre-trial detention had been unreasonably long and that the court orders for his detention had not been sufficiently reasoned.

Aždajić v. Slovenia (no. 71872/12)

The applicant, Zlatka Aždajić, is a Slovenian national who was born in 1949 and lives in Ruše (Slovenia).

The case concerns Ms Aždajić's complaint that a default judgment against her for repayment of a loan was unfair as she had not even been aware that proceedings had been brought against her.

In December 2006 proceedings were brought against Ms Aždajić by an acquaintance for repayment of a loan of 14,000 euros. In September 2007 a default judgment was served on her ordering payment of the loan. She immediately lodged an appeal and an application to reinstate the proceedings. She explained that, having travelled to Namibia in January 2007 for three months, she had not received the delivery slips in her mailbox which would have led to her being informed of the claim against her and of the request for her observations. Her application to reinstate the proceedings was rejected in December 2007 as it had been lodged outside the three-month time-limit, the courts considering that she should have lodged such an application on finding the delivery slips when returning from Namibia in March 2007. Her appeals against that decision and the default judgment were subsequently also dismissed on the ground that she had been properly served with the claim, as proved by the notices of delivery indicating that the delivery slips had been duly left in her mailbox.

Relying on Article 6 § 1 (right to a fair hearing), she complains that the proceedings against her were unfair as she had not been properly served with the claim against her.

Korošec v. Slovenia (no. 77212/12)

The applicant, Tadej Korošec, is a Slovenian national who was born in 1980 and lives in Ljubljana.

Mr Korošec, who has progressive spinal muscular atrophy and needs 24-hour assistance, complains that the proceedings for an increase in his attendance allowance were unfair.

In May 2009 Mr Korošec's general practitioner, considering that his patient's condition was worsening, applied for an increase in his assistance allowance to Slovenia's Pensions and Disability Insurance Institute. The request was then dismissed by the Institute's disability commission – composed of the Institute's various medical specialists – at two instances, on the ground that Mr Korošec did not need permanent, professional medical care. In October 2009 Mr Korošec therefore brought proceedings against the Institute before the social courts, requesting that an independent expert examine his medical file. In September 2010 his claim was dismissed on the grounds that disability commissions had already made an adequate assessment of the documentation in his medical file. His appeal was subsequently dismissed by the appeal court as was his application for leave to appeal on points of law by the Supreme Court. His constitutional complaint was ultimately dismissed in June 2012.

Relying on Article 6 § 1 (right to a fair hearing), Mr Korošec alleges that the proceedings concerning his allowance were not fair. Notably, the courts had based their decisions on the opinions of the disability commissions, which were not independent bodies but were appointed by the opposing party, namely the Institute which had refused to increase his allowance in the first place.

Macalin Moxamed Sed Dahir v. Switzerland (no. 12209/10)

The applicant, Muna Macalin Moxamed Sed Dahir, is a Somali and Swiss national who was born in 1969 and lives in Zurich. The case concerns the refusal of her request to change the spelling of her name.

In 2003 the applicant, who had been living in Switzerland since 1997, married Mr Sed Dahir, a Somali national. She requested permission from the competent Swiss authorities to add her maiden name to her husband's surname and her request was granted. However, when the applicant's maiden name is pronounced according to the rules of Western pronunciation, it takes on a disparaging meaning in her mother tongue ("rotting skin" and "toilets").

Mrs Macalin Moxamed Sed Dahir applied to the Zurich registry of births, marriages and deaths to have her surname changed. Having been told that her request was likely to be refused, she re-applied. On 20 March 2008 the registry refused her request, stressing that the applicant herself had requested that her maiden name be added to her married name. Mrs Macalin Moxamed Sed Dahir reiterated her request, which was rejected by the Directorate of Justice and Internal Affairs of the Canton of Zurich. She appealed against that decision, which was confirmed by the Directorate of Justice and Internal Affairs and subsequently upheld by the Higher Court of the Canton of Zurich.

In a judgment given on 16 November 2009 the Federal Court declared a private-law appeal lodged by the applicant to be inadmissible. The applicant subsequently acquired Swiss nationality.

Relying on Article 8 (right to respect for private and family life), and on Article 14 (prohibition of discrimination) taken together with Article 8, the applicant complains of the refusal of her request to change the spelling of her name.

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.

Kuke v. Albania (no. 60971/12)
Shkarpa v. Albania (no. 50308/13)
Coussios v. Belgium (no. 23104/08)
X v. Belgium (no. 13116/15)
Veselinovic v. Croatia (no. 27115/12)
Papaioannou v. Cyprus (no. 15619/12)

Agroslunce, spol. s r.o. v. the Czech Republic (no. 9842/13)
Fuxova v. the Czech Republic (no. 74556/11)
Assatiani v. Georgia (no. 29845/07)
Bekauri and Others v. Georgia (no. 312/10)
Beridze v. Georgia (no. 28297/10)
Gamsakhurdia v. Georgia (no. 59835/12)
LLC Keramos v. Georgia (no. 41504/06)
Tsaguria v. Georgia (no. 65969/09)
Mochlos S.A. and Others v. Greece (nos. 54553/10, 70882/10, 13227/11, 66736/11, and 55461/12)
Binci and Others v. Italy (nos. 2801/08, 5463/08, 5464/08, 5467/08, 5469/08, 5470/08, 5471/08, 5472/08, 5671/08, 5677/08, 6716/08, 18169/08, and 30959/08)
D'Avenio and Others v. Italy (nos. 17808/10, 17924/10, 17962/10, 17974/10, 17986/10, and 18043/10)
De' Micheli and Others v. Italy (nos. 27891/10, 27895/10, 30043/10, 40048/10, and 43112/10)
DI Virgilio and Others v. Italy (no. 45104/10 and 119 other applications)
Florio and Others v. Italy (no. 26443/07 and 33 other applications)
Ievolella and Others v. Italy (no. 41657/11 and 19 other applications)
Iorio and Others v. Italy (no. 69258/11 and 36 other applications)
Napolitano and Others v. Italy (no. 66408/11 and 68 other applications)
Palomba and Others v. Italy (no. 10757/10 and 254 other applications)
Gubaviciene v. Lithuania (no. 68611/14)
D.T. v. the Netherlands and Georgia (no. 28199/12)
Arcinski v. Poland (no. 75905/12)
Armborst v. Poland (no. 74188/11)
Banaszek v. Poland (no. 26871/13)
Data v. Poland (no. 72690/12)
Domanski v. Poland (no. 40080/13)
H-L. v. Poland (nos. 14781/07, 39824/09, 41361/09, and 42875/09)
Lipczynski v. Poland (no. 44027/12)
Luczynski v. Poland (no. 65831/12)
Ozimkiewicz v. Poland (no. 37708/14)
Palgan v. Poland (no. 62371/12)
Wasowicz-Holota and Gron v. Poland (no. 18533/13)
Wolert v. Poland (no. 65886/13)
Wolkowski and Jacyno v. Poland (no. 2037/14)
Fornazini v. Portugal (no. 41782/12)
Martins Viegas Pereira v. Portugal (no. 73475/10)
Ali Asan v. Romania (no. 15840/13)
Rosu and Others v. Romania (no. 37609/12)
Saakyan v. Russia (no. 78386/14)
Stanojevic-Stanic v. Slovenia (no. 10882/10)
Aslan and Others v. Turkey (nos. 14057/04, 29828/05, 2726/06, 22900/06, 41891/06, 22421/07, 25533/08, 25535/08, 27423/08, and 30773/08)
Aydemir v. Turkey (no. 58240/12)
Aydin v. Turkey (no. 69265/12)
Aygoren v. Turkey (no. 55970/12)
Bacaklilar v. Turkey (no. 19204/08)
Birgun v. Turkey (no. 24634/06)
Ceylan v. Turkey (no. 58038/12)
Degirmenci v. Turkey (no. 59678/12)
Demir v. Turkey (no. 58204/12)

Dogan v. Turkey (no. 76898/12)
Dogruel v. Turkey (no. 62231/12)
Duran v. Turkey (no. 58191/12)
Elci v. Turkey (no. 48971/12)
Guldur v. Turkey (no. 58232/12)
Gunduz v. Turkey (no. 53889/12)
Guney v. Turkey (no. 3167/13)
Hantik v. Turkey (no. 57294/12)
Icel v. Turkey (no. 62672/12)
Is and Others v. Turkey (no. 48528/11)
Kaya v. Turkey (no. 77611/12)
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