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 nine judgments on Tuesday 19 January 2016 and 12 judgments and / or decisions on Thursday 21 January 2016.

*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 19 January 2016

M.D. and M.A. v. Belgium (application no. 58689/12)

The applicants, M.D. and M.A., are two Russian nationals who were born in 1974 and 1976 respectively and live in Belgium.

The case concerns proceedings for the removal of a Russian couple of Chechen origin to the Russian Federation.

According to M.D., his father was murdered by supporters of a Chechen leader. In order to avenge the murder M.D.'s elder brother killed a member of that leader's family. Two months later M.D. and his wife M.A. were attacked during a birthday party, whereupon they fled to Ingushetia. They were informed by M.D.'s mother and sister that some men were looking for him, and the couple therefore left Russia. Their brother-in-law, who had remained in Chechnya, was murdered after their departure.

On their arrival in Belgium M.D. and M.A. lodged their first asylum application. The Aliens Department declared the application inadmissible on the ground, among other things, that a personal vendetta did not constitute a reason for granting asylum. The Commissioner General for Refugees and Stateless Persons upheld the refusal, finding that M.D.'s and M.A.'s account of events lacked credibility. The *Conseil d'État* dismissed their application for judicial review as both M.D. and M.A. had failed to attend a hearing. They were served with an order to leave the country. Subsequently, M.D. and M.A. submitted three further applications, in support of which they produced various notices published in the local press in which a reward for information on the whereabouts of M.D. had been offered, and also produced the brother-in-law's death certificate and a summons from the Grozny police department for M.D. to appear on suspicion of bearing illegal arms and belonging to an unlawful armed organisation. Those applications were likewise dismissed. They were served with an order to leave the country, together with an order for their detention at a designated place pending their removal; their subsequent request for a stay of execution under the extremely urgent procedure was dismissed. On 11 September 2012 the Court, having received a request for an interim measure, decided to indicate to the Belgian Government that M.D. and M.A. should not be expelled to the Russian Federation for the duration of the proceedings before the Court. Following that measure, the Ghent Court of Appeal ordered their release.

Relying on Article 3 of the Convention (prohibition of torture and inhuman and degrading treatment), M.D. and M.A. complain that their removal to Russia would expose them to the risk of ill-treatment. They also submit, under Article 13 (right to an effective remedy), that no effective remedy was available to them in respect of their complaint.

Sow v. Belgium (no. 27081/13)

The applicant, Oumou Fadil Sow, is a Guinean national who was born in 1987 and lives in Brussels (Belgium).

The case concerns the risk of Ms Sow being subjected to a further excision procedure in the event of her removal to her country of origin.

Following the death of Ms Sow's father, her mother married her paternal uncle. The latter forced Ms Sow and her sisters to undergo excision (female genital cutting). Ms Sow put up a struggle during the excision and so was only partly excised. Her uncle also forced Ms Sow to marry her cousin. Three days after the marriage she escaped. On her arrival in Belgium Ms Sow lodged an asylum application, claiming, among other things, that she had had to leave Guinea because of her forced marriage. The Commissioner General for Refugees and Stateless Persons (CGRA) denied her refugee status and subsidiary protection. The Aliens Litigation Council (CCE) upheld that decision. A few days later Ms Sow lodged a second asylum application based on the same facts and supported by new documents. Her application was once again rejected by the CGRA. The CCE upheld the latter's decision. Ms Sow was served with two orders to leave the country and on the same day was placed in a detention centre. She lodged a third asylum application, concentrating this time on her fears of being subjected once again to excision, but the Aliens Department served her with a fresh order to leave the country, refusing to consider her asylum application on the ground that the evidence provided at that stage should have been submitted together with one of her previous asylum applications. Her subsequent request for a stay of execution under the extremely urgent procedure was dismissed. Ms Sow lodged a request for an interim measure with the Court, which invited the Belgian Government not to remove her to Guinea for the duration of the proceedings before it. Ms Sow was released.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 13 (right to an effective remedy) of the Convention, Ms Sow complains that she risks being subjected to a further excision procedure in the event of her removal to Guinea and that no effective remedy was available to her in respect of her complaint.

Kalda v. Estonia (no. 17429/10)

The case concerns a prisoner's complaint about the authorities' refusal to grant him access to certain Internet websites, preventing him from carrying out legal research.

The applicant, Romeo Kalda, is an Estonian national who was born in 1974. He is serving a life sentence in prison and complains that in October 2007 the prison authorities in Tartu Prison refused his request to be granted access to the website of the Council of Europe Information Office in Tallinn and two State-run databases, namely the websites of the Chancellor of Justice and the Estonian Parliament, containing legal information. He complained to the Ministry of Justice but his complaint was dismissed in November 2007. In the ensuing proceedings before the national courts, the Supreme Court ultimately – in December 2009 – dismissed Mr Kalda's appeal, concluding that the ban on detainees' access to the three websites in question was justified by security and economic considerations. Notably, it found that granting access to additional Internet sites could increase the risk of detainees engaging in prohibited communication, thus necessitating increased monitoring and therefore costs.

Relying on Article 10 (freedom of expression), Mr Kalda complains that the ban on his accessing the websites breaches his right to receive information via the Internet, submitting that his aim was to be able to undertake legal research in view of a number of court proceedings in which he had been engaged against the Estonian prison system.

Albrechtas v. Lithuania (no. 1886/06)

The applicant, Alvydas Albrechtas, is a Lithuanian national who was born in 1962. The case concerns his complaint that, in court proceedings for his detention on remand, he was not given access to the criminal investigation file.

Mr Albrechtas was arrested in 2005 in connection with a murder. The murder had taken place ten years earlier in the heart of Vilnius and had involved the contract killing of a businessman using a car bomb. 21 members of an armed gang were subsequently convicted in October 2001 of 13 murders and 12 attempted murders: three of the armed gang were notably convicted of the car bombing and murder of the businessman. One of those men, G.B., later identified the applicant, Mr Albrechtas, as the person who had put out the contract on the businessman. In September 2002 a search for Mr Albrechtas was ordered. Following Mr Albrechtas' arrest in 2005, the courts ordered his detention pending trial, noting that the grounds for detention were the fact that he had been in hiding for over two years necessitating a search having to be carried out for him and that he had been charged with a serious crime. His pre-trial detention was subsequently extended on a number of occasions. Mr Albrechtas was ultimately found guilty in May 2012 of having put out a contract for the businessman's murder so that he would not have to repay debts he owed and was sentenced to eight years' imprisonment. He was released from prison in January 2015.

Relying in particular on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), Mr Albrechtas complains that he and his lawyer were denied access to information regarding the grounds for placing him in pre-trial detention in May 2005. He submits that, without access to the investigation file – in particular statements made by the main prosecution witness against him, G.B., as well as documents concerning the search for him – he could not effectively challenge the grounds for his detention. He further submits that he had not been in hiding (there being proof to show that he had, among other things, renewed identity documents and paid taxes prior to his arrest) and questioned the credibility of the main prosecution witness, who he alleges testified against him in order to have a reduction in his own prison sentence.

G.B. v. Lithuania (no. 36137/13)

The applicant, Ms G.B., is a Lithuanian national who was born in 1975 and lives in Meckenheim (Germany).

The case concerns custody proceedings in Lithuania for her two daughters, who were subsequently placed with their German father.

Ms G.B. married a German citizen in 2001 and they had two daughters together, in 2002 and 2003. They all lived in Lithuania. In January 2010 Ms G.B. filed for a divorce, requesting permission that her daughters reside permanently with her. Throughout the ensuing divorce and custody proceedings the parents, having a tense relationship, submitted numerous claims and counterclaims against each other concerning the place of residence of their children.

In May 2010 the courts allowed Ms G.B.'s request for a temporary protective measure, meaning that her daughters were to stay with her until the end of the custody proceedings. In June 2010 however, Ms G.B. contacted the police to complain that the girls' father had not returned them to her following a visit in Kaunas. The police established that the girls were with the father in Marijampolé. A month later the Marijampolé District Court ordered the father to return the girls to their mother. The bailiffs then made three unsuccessful attempts to enforce this decision, the third and last attempt failing in February 2011 because the girls themselves refused to leave with their mother. The father was convicted in March 2011 for failing to comply with the court order to return his daughters to their mother and given a fine.

Ultimately, the Lithuanian courts established that after the divorce – granted in November 2011 – the two girls should reside with their father, as this was considered to be in the children's best

interests. This was also the wish of the daughters, who were heard in court. Furthermore, the courts, relying on evidence from child care authorities, psychologists, the Ombudsperson for children's rights and representatives from the girls' school, also took into account that the father took proper care of his daughters, whereas the mother's contact with them was episodic even though her contact rights had not been restricted.

Relying on Article 8 (right to respect for private and family life), Ms G.B. submits that the Lithuanian authorities' failure to enforce the court decisions awarding her temporary custody resulted in her being alienated from her daughters and eventually losing her custody rights altogether. Also relying on Article 6 § 1 (right to a fair trial within a reasonable time), she complains that the appeal proceedings in her case were decided in writing, without holding a hearing, and that the appellate court also refused to admit supplementary evidence.

Cazanbaev v. the Republic of Moldova (no. 32510/09)

The applicant, Iurie Cazanbaev, was a Moldovan national who was born in 1957 and died in 2014. At the relevant time he lived in Chişinău (Republic of Moldova).

The case concerns allegations of ill-treatment inflicted on Mr Cazanbaev during his arrest and detention and the absence of an effective investigation.

In August 2005, under the influence of alcohol, Mr Cazanbaev threatened his next-door neighbour with a firearm and fired shots at the wall. On their arrival the police forcibly entered Mr Cazanbaev's flat and arrested him. During the search of the flat a handgun and a hunting rifle were seized. Mr Cazanbaev submitted that during his arrest the police officers had beaten him with their guns and kicked and punched him, causing vomiting and bleeding from his face and head. Mr Cazanbaev claimed that he had continued to be ill-treated at the police station and had lost consciousness. He was examined by a doctor on the day in question and was treated by an emergency medical team in the police station the next day. He attempted to commit suicide while in pre-trial detention. He was examined by a panel of forensic psychiatrists a few days later and was admitted to a psychiatric clinic, where he complained of having experienced a short psychotic episode in prison caused by the ill-treatment inflicted on him by the police officers. A neurologist diagnosed acute cranial trauma. Mr Cazanbaev had meanwhile been convicted by a court of "threatening to kill or occasion actual bodily harm". Subsequently Mr Cazanbaev lodged a complaint alleging ill-treatment. Following six decisions not to prosecute, his complaint eventually resulted in a final discontinuance order issued by an investigating judge.

Relying on Articles 3 (prohibition of torture and inhuman and degrading treatment) and 13 (right to an effective remedy), Mr Cazanbaev complains that he was subjected to ill-treatment by police officers during his arrest and while in pre-trial detention, and that no effective investigation was conducted into the matter.

Aurelian Oprea v. Romania (no. 12138/08)

The applicant, Aurelian Oprea, is a Romanian national who was born in 1943 and lives in Bucharest.

The case concerns proceedings brought against Mr Oprea for defaming the deputy rector of a State university at a press conference.

On 3 August 2005 Mr Oprea, an associate professor at the University of Agronomical Sciences and Veterinary Medicine, delivered a speech at a press conference concerning corruption in Romanian universities. The conference was organised by the European Association of University Teaching Staff in Romania of which Mr Oprea was the secretary-general. Mr Oprea talked about shortcomings in his own university, a State-financed establishment, criticising specifically his university's deputy rector for encouraging a plagiarised book, for his management of a programme of publicly funded scientific research and for accumulating too many management positions. Most of Mr Oprea's

statements were subsequently repeated in an article published by the weekly newspaper *Impact în Argeş*.

As a result, in November 2005 the deputy rector lodged a joint criminal and civil complaint against Mr Oprea for defamation. The civil complaint was left unresolved. The criminal complaint was dismissed at first-instance in April 2006, the domestic courts considering that Mr Oprea had been convinced that he was revealing a case of corruption and had not intentionally wanted to damage the deputy rector's reputation. The parties lodged appeals on points of law against this decision, which were subsequently also dismissed as a direct consequence of an amendment made to the Criminal Code regarding the decriminalisation of defamation.

In a separate civil action for compensation, however, Mr Oprea was held liable for the way in which he had presented his accusations about the deputy director to journalists. The domestic courts thus ordered Mr Oprea to pay the deputy director 27,877 Romanian lei (approximately 7,470 euros) in compensation and legal expenses.

Relying on Article 10 (freedom of expression), Mr Oprea alleges that his freedom to express his concerns about education standards in Romanian universities had been breached.

Görmüş and Others v. Turkey (no. 49085/07)

The case concerns three different aspects of freedom of expression, namely the protection of journalists' sources, the disclosure of confidential information and the protection of whistle-blowers.

The applicants, Ahmet Alper Görmüş, Mehmet Ferda Balancar, Ahmet Haşim Akman, Ahmet Şık, Nevzat Çiçek and Banu Uzpeder, are Turkish nationals who live in Antalya and Istanbul (Turkey). At the relevant time Mr Görmüş was the executive editor of the *Nokta* weekly magazine, Mr Balancar and Mr Akman were the editors-in-chief and Mr Şık, Mr Çiçek and Ms Uzpeder worked as investigative journalists for the publication.

In April 2007 *Nokta* published an article based on documents classified "confidential" by the Chief of Staff of the armed forces. The article concerned the introduction of a system for classifying publishing companies and journalists according to whether they were "favourable" or "hostile" to the armed forces, so that specific journalists could be excluded from activities organised by the army. Following a complaint by the Chief of Staff of the armed forces, the Military Court ordered a search of all the magazine's premises, demanding electronic and paper copies of the files stored on all private and professional computers, in the archives and on various data storage media. At the beginning of the search Mr Görmüş handed over the documents requested by the military prosecutor to the police officers. The authorities also transferred the data stored on the magazine's 46 computers.

In the meantime, lawyers acting for *Nokta* and for Mr Görmüş had appealed against the search warrant, alleging in particular a breach of the right to protection of journalists' sources. The Military Court dismissed their appeal on the grounds that the search and seizure had only been intended to elucidate the circumstances surrounding the disclosure of a document classified as "secret" and not to identify those responsible for the leak. The court also pointed out that the Criminal Code made it an offence to procure, use, possess or publish information whose disclosure was prohibited for the purposes of protecting State security, and that journalists were not exempted from criminal liability in that connection.

Relying on Article 10 (freedom of expression), the applicants complain that the measures taken by the relevant authorities, particularly the search of their professional premises and the seizure of their documents, were intended to identify their sources of information and infringed their right to freedom of expression, especially their right to receive or impart information as journalists.

Gülcü v. Turkey (no. 17526/10)

The case concerns in particular the conviction and detention of a minor for two years for membership of the PKK (Kurdish Workers' Party), an illegal armed organisation, after he participated in a demonstration and threw stones at police officers.

The applicant, Ferit Gülcü, is a Turkish national who was born in 1992 and lives in Diyarbakır.

In July 2008 Mr Gülcü, then aged 15, was arrested and remanded in custody when identified in a video recording throwing stones at the police during a demonstration which had taken place in Diyarbakır to protest about the conditions of detention of Abdullah Öcalan, the leader of the PKK.

In the ensuing domestic proceedings he accepted that he had chanted the slogan 'Long live President Öcalan' and had thrown stones at the police when they intervened, but stated that he had no connection with the PKK and had only been caught up in the crowd during the demonstration. He was however subsequently convicted by the Diyarbakır Assize Court of membership of the PKK, disseminating propaganda in support of a terrorist organisation and resistance to the police.

Mr Gülcü, who spent three months and 20 days in custody before being convicted, was given a total prison sentence of seven years and six months in respect of all of the charges. He served part of that sentence before being released in July 2010 when it was decided to re-assess his case in view of certain amendments to the law in favour of juvenile offenders.

His case was thus re-assessed by Diyarbakır Juvenile Court which acquitted him of the charge of membership of a terrorist organisation, but convicted him of disseminating propaganda in support of a terrorist organisation, participation in a demonstration and resistance to and obstruction of the security forces. The pronouncement of the criminal convictions was suspended on the condition that he did not commit another offence within the next three years.

Mr Gülcü complains about his conviction for participating in a demonstration and alleges that the combined sentence imposed on him was disproportionate. The case will be examined under Article 11 (freedom of assembly and association).

Thursday 21 January 2016

Ghuyumchyan v. Armenia (no. 53862/07)
Tovmasyan v. Armenia (no. 11578/08)

The applicants in the first case are the son (the first applicant), the daughter-in-law (the second applicant) and the wife (the third applicant) of Garegin Ghuyumchyan, now deceased. They were born in 1965, 1973 and 1947 respectively and live in Vanadzor, Armenia. The applicant in the second case, Rehan Tovmasyan, is an Armenian national who was born in 1948 and lives in Yerevan.

These cases concern the applicants' complaints that they were deprived of access to court since they could not afford to hire an advocate.

In the first case the late Garegin Ghuyumchyan and his wife Gyulnaz Ghuyumchyan ran a small family business. In July 2002 Garegin Ghuyumchyan was charged with bribe-taking. In September 2002 the charges were dismissed for lack of evidence, and in 2004 the family sold the business. In October 2004 Garegin Ghuyumchyan instituted proceedings seeking compensation for wrongful prosecution. The first and second applicants joined the proceedings. Garegin Ghuyumchyan was not represented during these proceedings. His claim was allowed in part. He appealed and ultimately the Court of Cassation refused to consider his appeal on points of law on the ground that it had not been lodged by an advocate licensed to act before it, as required by the domestic law.

In the second case Ms Tovmasyan had been allocated a flat in 1991. However, following the collapse of the Soviet Union the construction of the building was stopped. In June 2007 Ms Tovmasyan, who

was unrepresented, initiated a claim in the domestic court arguing that she should be allocated a flat or provided with compensation. She did not lodge an appeal on points of law with the Court of Cassation, alleging that she was unable to do so as she could not afford to hire a licensed advocate and that legal aid was not available for this type of dispute.

Relying in particular on Article 6 § 1 (access to court), the applicants complain that they were denied access to the Court of Cassation as they could not afford the services of a licensed advocate.

Safaryan v. Armenia (no. 576/06)

The applicant, Varya Safaryan, is an Armenian national who was born in 1934 and lives in Yerevan. The case concerns her complaints that she was unable to have her property divided and transferred to her children and to register her title in respect of a pavilion built on her plot of land.

Ms Safaryan owns a plot of land in the centre of Yerevan which includes two houses, a garage and a pavilion. The pavilion was constructed without permission before 1993. In May 2004, Ms Safaryan requested the donation of her property to her children and sought to make that transaction official. This request was refused on the basis that the property was now situated within an expropriation zone. Ms Safaryan challenged this decision and on 28 July 2004 the Court of Appeal granted her claim, ordering the notary office to formalise the transaction. Ms Safaryan again sought to divide her property and transfer ownership to her children. This was refused and Ms Safaryan initiated court proceedings which were ultimately refused by the Court of Cassation on 17 June 2005 on the ground that the plot of land, of which Ms Safaryan was the sole owner, was situated in an expropriation zone and contained an unauthorised construction.

Relying in particular on Article 1 of Protocol No. 1 (protection of property) and Article 8 (right to respect for private and family life), Ms Safaryan complains about her inability to donate her property to her children and the refusal to register her pavilion.

Boris Kostadinov v. Bulgaria (no. 61701/11)

The applicant, Boris Yordanov Kostadinov, is a Bulgarian national who was born in 1986 and lives in Sofia. The case concerns Mr Kostadinov's complaints of ill-treatment by the police and the lack of an effective investigation into his complaints.

On 28 June 2008 a Gay Pride event took place in Sofia for the first time and was conducted under heavy police protection following threats of disruption. Mr Kostadinov was with a group of friends when they were intercepted by two police vans. Mr Kostadinov alleges that he was handcuffed, forced to lie on the ground, kicked, punched and hit with truncheons on the back, shoulders and legs. Mr Kostadinov was then taken to the police station where he claims that he was left in the corridor for a period of two hours and forced to face a wall with his hands up and legs apart. During this time he alleges that he was also kicked in the ankles and hit with a truncheon in the back of his knees. Mr Kostadinov maintains that he was then detained in a hot, crowded cell where he was not given any food or drink or allowed to go to the toilet. On 29 June 2008, following his release from detention, Mr Kostadinov was examined by a doctor who noted multiple bruises and took the view that they could have been inflicted in the manner alleged by Mr Kostadinov and must have caused him pain and suffering.

On 10 July 2008, Mr Kostadinov complained to the Prosecutor's office which conducted a preliminary inquiry and on 1 November 2008 refused to open criminal proceedings, essentially finding that, since the police had been confronted with a tense situation with the expectation of disruption, they had been justified in using force during their operation. Mr Kostadinov appealed and the decision was quashed on the basis that, among other things, the refusal had not been clear as to whether the police had not used any force at all or as to whether any force that had been used had been lawful and made necessary by Mr Kostadinov's conduct. Additional inquiries were ordered but, on 14 September 2009, the Prosecutor's office refused to open criminal proceedings and

repeated, verbatim, the reasons given in the decision of 1 November 2008. Mr Kostadinov appealed against this decision which was ultimately upheld by the Supreme Cassation Prosecutor's Office on 22 March 2011.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Mr Kostadinov argues that he suffered ill-treatment at the hands of the police both on arrest and in detention and that his complaints were not effectively investigated.

De Carolis and France Télévisions v. France (no. 29313/10)

The applicants are Patrick de Carolis, a French national who was born in 1953 and lives in Paris (France), and the France Télévisions corporation. Mr de Carolis was chairman of the national television corporation France 3, which has since been succeeded by the France Télévisions corporation, based in Paris.

The case concerns an accusation of defamation brought by the Saudi Prince Turki Al Faisal on account of a report on the France 3 television channel concerning complaints lodged by families of the victims of the 11 September 2001 attacks.

On 8 September 2006 France 3 broadcast a programme entitled "11 September 2001: the prosecution case". The report investigated why there had still been no trial five years after the events. It focused on the complaints lodged by families of the victims of the 11 September 2001 attacks and the proceedings against over one hundred individuals suspected of having helped and funded al-Qaeda. The investigations by the journalist who made the report highlighted the claimants' concerns and their fears that the trial might be jeopardised by the economic links between their countries and Saudi Arabia.

Prince Turki Al Faisal Bin Abdulaziz Al Saud was also interviewed as part of the report. He was the target of complaints from the victims' relatives, who accused him of having assisted and financed the Taliban when he had been head of the secret service in Saudi Arabia. On 7 December 2006 Prince Turki Al Faisal brought defamation proceedings in the Paris Criminal Court against Mr de Carolis as director of the television channel, as well as the journalist in question and the France 3 corporation, relying on five excerpts from the report.

In a judgment of 2 November 2007 the Paris Criminal Court found Mr de Carolis and the journalist who had made the report guilty of public defamation of an individual, namely Prince Turki Al Faisal, who had joined the proceedings as a civil party. It also held the France 3 corporation civilly liable. The Paris Court of Appeal upheld that judgment. The Court of Cassation dismissed an appeal on points of law by the applicants.

Relying on Article 10 (freedom of expression), the applicants allege a violation of their right to freedom of expression.

H.A. v. Greece (no. 58424/11)

The applicant, H.A., is an Iranian national who was born in 1974.

The case concerns H.A.'s detention at the Soufli border police station pending his expulsion, the conditions of his detention and the lack of an effective remedy.

H.A. was arrested in August 2010 by the Greek police at Evros in the Soufli region. The director of the Border Police Department ordered his removal to Turkey, but the removal was ultimately postponed because of the Turkish authorities' refusal to admit him. According to H.A., he received no information on his status, the reasons for his detention or the available remedies. He also claims that he was not served with the detention order and had been forced to sign documents in Greek without the assistance of an interpreter.

Subsequently, H.A. challenged his detention before the Alexandroupoli Administrative Court, alleging in particular that it had proved impossible to expel him, and complaining of the conditions of his detention. H.A.'s complaints were dismissed by the President of the Administrative Court, who found that there was a risk of his absconding; he also held that the complaints about the conditions of detention lacked supporting evidence and, in any event, were inadmissible. H.A. applied to have that decision set aside, contending that a non-governmental organisation could provide him with accommodation and that the conditions of his detention were worsening. The President of the Administrative Court allowed his application, and he was released after five months' detention.

Relying on Article 3 (prohibition of inhuman and degrading treatment), H.A. complains of the conditions of his detention. Relying on Article 5 § 1 (right to liberty and security), Article 5 § 2 (right to be informed promptly of the charges), Article 5 § 4 (right to a speedy decision on the lawfulness of detention) and Article 13 (right to an effective remedy), H.A. also complains that his detention was unlawful, that he was kept in detention despite the fact that his expulsion was not immediately enforceable, that he was not given adequate legal assistance, that he was not informed in a language which he understood of the reasons for his detention and the available remedies, that his objections were dismissed by the court without consideration of the conditions of his detention and that he did not have an effective remedy.

L.E. v. Greece (no. 71545/12)

The applicant, L.E., is a Nigerian national who was born in 1982 and lives in Glyka Nera (Nigeria).

The case concerns a complaint by a Nigerian national who was forced into prostitution in Greece.

In June 2004 L.E. entered Greek territory accompanied by K.A., who allegedly promised her that he could take her to Greece to work in bars and nightclubs in exchange for a pledge to pay him 40,000 euros and not to tell the police. On her arrival in Greece K.A. confiscated her passport and forced her into prostitution. L.E. remained in forced prostitution for approximately two years.

In November 2006, while she was in detention pending expulsion, L.E. lodged a criminal complaint against K.A. and his partner D.J., asserting that she was a victim of human trafficking. On 28 December 2006 the prosecutor at the Athens Criminal Court dismissed her complaint. L.E. applied to the prosecutor for re-examination of her complaint and joined the proceedings as a civil party. In February 2007 the director of the Athens police department responsible for aliens ordered the suspension of the order for her expulsion. On 21 August 2007 the prosecutor brought criminal proceedings against K.A. and D.J. for the offence of trafficking in human beings. In May 2011 D.J. was arrested and remanded in custody, before being acquitted by the court, which held that she was not K.A.'s accomplice but, on the contrary, established that she had been another of K.A's. victims and that he had been sexually exploiting her too.

Relying on Article 4 (prohibition of slavery and forced labour), the applicant submits that she was a victim of human trafficking and was forced into prostitution. She notably complains about the Greek State's failure to protect her as a trafficking victim and the absconding of the accused.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy), she complains of the length of the criminal proceedings in which she was claiming civil damages, and submits that at the relevant time no effective remedy was available in Greece in respect of complaints concerning the length of proceedings.

Ivanovski v. "the former Yugoslav Republic of Macedonia" (no. 29908/11)

The applicant, Trendafil Ivanovski, is a Macedonian national who was born in 1946 and lives in Skopje. The case concerns lustration proceedings against him, as a result of which he was dismissed from the office of judge of the Constitutional Court of "the former Yugoslav Republic of Macedonia".

In 2009 Mr Ivanovski – who was then the president of the Constitutional Court – submitted a declaration of non-collaboration with the security services to the Lustration Commission, pursuant to the 2008 Lustration Act, which made collaboration with the State security services between 1944 and 2008 an impediment to holding public office. In 2010 the Commission requested the State Archive to provide it with access to all documents and files in respect of Mr Ivanovski. On the basis of the material it had obtained, the Commission found that his declaration had not been in conformity with the evidence, a finding which Mr Ivanovski denied during a public session before the Commission held in September 2010. The Commission subsequently rejected his objection. It found that he did not fulfil the requirement for holding public office under the Lustration Act, stating that from 1964, following his involvement with a high-school nationalist group, he had been providing information on students whose activities were monitored by the security services.

Mr Ivanovski brought an action for judicial review of the Commission's decision, complaining in particular: that he had not had an opportunity to fully present his arguments concerning classified information in the file; that the time-limit for the preparation of his appeal had been reduced; and that there were discrepancies between the files of the State Archive and the ones on which the Commission had relied. His action was dismissed by the Administrative Court. In March 2011 the Supreme Court rejected his appeal against that decision. He was dismissed from office in April 2011.

Relying on Article 6 (right to a fair trial), Mr Ivanovski complains in particular: that the lustration proceedings were unfair overall; that the Commission and the courts lacked impartiality; and that he lacked access to court, since the courts did not establish full jurisdiction over the facts of the case and erred on the facts. He further complains of a violation of Article 8 (right to respect for private and family life), stating that: the authorities' decisions in the lustration proceedings had a complex impact on his reputation, dignity and moral integrity; and that there was unauthorised access to the records of the State security services. Finally, he alleges a breach of Article 13 (right to an effective remedy).

Neškoska v. "the former Yugoslav Republic of Macedonia" (no. 60333/13)

The applicant, Lenka Neškoska, is a Macedonian national who was born in 1964 and lives in Skopje. The case concerns her complaint that the investigation into her son's death had not been effective.

On 6 June 2011, Ms Neškoska's 21 year old son, M.N., was killed by I.S., a member of the Special Police Forces Unit, during a public celebration of the results of parliamentary elections. As established at the domestic criminal trial M.N. had attempted to climb onto a podium following which I.S. warned him to get down. M.N ran away and was followed by I.S. who hit him on the back of his neck causing him to fall over. I.S. continued to punch and kick him despite M.N. shouting for him to stop. M.N. sustained numerous severe bodily injuries and the post-mortem established his cause of death as a brain haemorrhage.

On 8 June 2011 the public prosecutor asked an investigating judge to open an investigation into M.N.'s death. On 3 October 2011 the public prosecutor indicted I.S. and on 16 January 2012 the trial court found him guilty of murder and sentenced him to 14 years' imprisonment.

During the course of the investigation Ms Neškoska submitted a criminal complaint against four other individuals (three of whom were police officers) alleging that they had assisted I.S. in leaving the crime scene, that they had attempted to cover up the crime by moving her son's corpse and had wrongly told the public prosecutor that M.N. had died of an overdose, meaning that the prosecutor and investigating judge failed to inspect the scene. On 29 November 2011 the public prosecutor rejected her complaint finding no grounds that the persons concerned had committed the alleged crimes. The prosecutor found on the basis of all the available evidence that three of them had not been present when I.S. had hit M.N., that they had arrived at the scene later and had been told by I.S. that M.N. was feeling sick. They had called the emergency services, notified the relevant police station and only moved M.N. in order to enable the ambulance to have access to him more easily.

This decision was upheld by the higher public prosecutors officer on 12 March 2012. Ms Neškoska then took over the prosecution of the officers as a subsidiary prosecutor and on 10 May 2012 a three-judge panel rejected her complaint, a decision which was upheld by the Court of Appeal on 10 September 2012.

Just after M.N.'s death, thousands of people took to the streets to protest about police brutality. Over six thousand people subsequently signed a petition calling for the relevant authorities to establish the truth behind M.N.'s death and punish those responsible as well as to introduce legislative, structural and other measures concerning the operation, employment and accountability of the Ministry of Interior's officials.

Relying in particular on Article 2 (right to life) and Article 13 (right to an effective remedy), Ms Neškoska complains that the investigation into her son's death had not met the requirements of effectiveness due to the decision of the prosecuting and judicial authorities not to investigate all aspects of the incident or to hold responsible all of those police officers concerned.

Siredzhuk v. Ukraine (no. 16901/03)

The applicant, Petro Siredzhuk, is a Ukrainian national who was born in 1949 and lives in Lviv (Ukraine).

The case concerns defamation proceedings brought against Mr Siredzhuk, a former history professor, following the publication of a history book.

In July 1997 a book on the history and archaeology of the Kosiv area written by a group of scholars, including Mr Siredzhuk, was published. The book featured an essay by Mr Siredzhuk describing the economic hardships faced by the local inhabitants in the 17th and 18th centuries and included a passage accusing the then current mayor of Kosiv of corruption and describing him as behaving as "an omnipotent feudal prince".

On 30 April 1998, the mayor initiated court proceedings for defamation and on 5 October 2000, following a number of adjournments, the court held that the disputed statements were false and defamatory and ordered Mr Siredzhuk to pay compensation. This decision was upheld on appeal but then later quashed and remitted for fresh examination while Mr Siredzhuk also initiated a counter claim. Following a number of adjournments the court allowed the mayor's claim in part and dismissed Mr Siredzhuk's counter claim and awarded damages. On 21 January 2008, the Court of Appeal refused Mr Siredzhuk leave to appeal.

Relying on Article 6 § 1 (right to a fair hearing) and Article 10 (freedom of expression), Mr Siredzhuk complains that the proceedings involving the mayor's defamation claim and his counterclaim had been excessively lengthy and that the court had failed to give adequate reasons for their decisions. Furthermore, he complains that the state authorities had arbitrarily and unfairly interfered with his freedom to criticise the conduct of a public official.

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.

B.V. and Others v. Croatia (no. 38435/13)
Erdal v. Turkey (no. 40177/11)

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.