



Judgments concerning Austria, Georgia, Greece, Hungary, Republic of Moldova, Romania, Russia, Serbia, Slovakia, and the United Kingdom

The European Court of Human Rights has today notified in writing the following 19 judgments, five of which (in italics) are Committee judgments and are final. The others are Chamber judgments¹ and are not final.

Repetitive cases² and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release. The judgments available in French are indicated with an asterisk (*).

Bajsultanov v. Austria (application no. 54131/10)

The applicant, Ruslan Bajsultanov, is a Russian national of Chechen origin who was born in 1980. He arrived in Austria with his family in July 2003 claiming asylum following his narrow escape from a "cleaning operation" carried out against him in Chechnya by mercenary soldiers. He alleged that he was wanted due to his support of Chechen fighters from 1994 to 1996. He was granted asylum in July 2005 which was, however, lifted in October 2008 and his expulsion ordered following three convictions for various serious offences, including aggravated bodily harm. He was released having served his sentences and is currently living with his wife and two children in Graz (Austria). Relying on Article 3 (prohibition of inhuman or degrading treatment), he alleged that, if expelled to Russia, where he is considered to be a Chechen rebel, he would be at real risk of detention, torture and/or disappearance. He also complained that his expulsion would separate him from his wife and two children who had independent asylum status in Austria, in breach of Article 8 (right to respect for private and family life).

No violation of Article 3 or of Article 8 (if Mr Bajsultanov were expelled to Russia)
Interim measure (Rule 39 of the Rules of Court) – not to expel Mr Bajsultanov – still in force until judgment becomes final or until further order

Kortesis v. Greece (no. 60593/10)*

The applicant, Christoforos Kortesis, is a Greek national who was born in 1979; he is currently being held in the prison of Corinth (Greece). On 10 April 2010 at 2.30 am, he was arrested and taken to the police headquarters in Attica. On the same day a search was carried out of his home (his parents' house). The media publicly announced his arrest, indicating that he was suspected of belonging to the terrorist organisation Epanastatikos Agonas. On 12 April at 7.30 am, Mr Kortesis was charged with participating in a terrorist organisation, destruction by explosives, manufacturing and

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

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

² In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

possession of explosives, attempted murder and criminal damage to property. Relying in particular on Article 5 (right to liberty and security), Mr Kortesis alleged that, during the preliminary investigation, the police authorities had falsified the time of his arrest and falsely certified that he had been informed of his rights and waived them, and that he had had to wait 29 hours before being informed of the reasons for his detention.

Violation of Article 5 § 1 (lawfulness of detention)

Violation of Article 5 § 2 (right to be informed of the reasons for one's arrest)

Just satisfaction: EUR 2,200 (non-pecuniary damage) and EUR 525 (costs and expenses)

Genderdoc-M v. Republic of Moldova (no. 9106/06)

The applicant, Genderdoc-M, is a Moldovan non-governmental organisation based in Moldova whose object is to provide information to and assist the LGBT (lesbian, gay, bisexual, and transgender) community. The case concerned the banning of a demonstration that Genderdoc-M had planned to hold in Chişinău in May 2005 to encourage laws for the protection of sexual minorities from discrimination. The applicant organisation complained in particular that the ban had been unlawful, that there had been no effective procedure allowing them to obtain a final decision prior to the date of the planned demonstration and that it had been discriminated against because it promoted the interests of the gay community in Moldova. They relied in particular on Articles 11 (freedom of assembly or association), 13 (right to an effective remedy) and 14 (prohibition of discrimination).

Violation of Article 11

Violation of Article 13 in conjunction with Article 11

Violation of Article 14 in conjunction with Article 11

Just satisfaction: EUR 860 (pecuniary damage), EUR 7,250 (non-pecuniary damage) and EUR 2,900 (costs and expenses)

Mazâlu v. Romania (no. 24009/03)

Răducanu v. Romania (no. 17187/05)

Both cases essentially concerned complaints under Article 3 (prohibition of inhuman or degrading treatment) about conditions of detention in Romania.

The applicant in the first case, Petru Mazâlu, is a Romanian national who was born in 1951 and lives in Iasi (Romania). He complained about overcrowding and poor sanitary conditions between March 2001 and March 2004 in Iasi police station and Iasi prison where he had been held in connection with fraud charges. He also alleged that the permanent artificial lighting in his cells had damaged his eyesight.

The applicant in the second case, Nicolae Răducanu, is a Romanian national who was born in 1958 and lives in Ploiesti, Romania. In 1997 he was convicted and sentenced to 22 years' imprisonment for first degree murder. He complained in particular about overcrowding, poor food, lack of water as well as physical exercise in Ploieşti prison from March 1997 to December 2008.

Violation of Article 3 (conditions of detention) – in both cases

No violation of Article 3 (damage to Mr Mazâlu's eyesight) – in the first case

Just satisfaction: EUR 7,500 to Mr Mazâlu and EUR 9,000 to Mr Răducanu (non-pecuniary damage), and EUR 100 in the first case and EUR 2,150 in the second case (costs and expenses)

Abidov v. Russia (no. 52805/10)

The applicant, Zhakhongir Abidov, is a Kyrgyzstan national who was born in 1981 and lives in Novosibirsk (Russia). An ethnic Uzbek, he has regularly travelled to Russia for work purposes since 2001. In June 2010 he was arrested in Novosibirsk as he was wanted by the Uzbek authorities on suspicion of setting up an extremist organisation whose aim is to overthrow the constitutional order in Uzbekistan; his extradition was also granted shortly after. However, he has since been released – in March 2011 – when the Russian courts quashed the decision to extradite him. He was granted temporary asylum in August 2011. Relying in particular on Article 5 §§ 1 and 4 (right to liberty and security), he complained that his detention pending extradition from June 2010 to March 2011 had been unlawful and that it had taken the authorities 28 days to review his appeal of December 2010 against his detention order.

No violation of Article 5 § 1 (lawfulness of detention)

Violation of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court)

Interim measure (Rule 39 of Rules of Court) – not to extradite Mr Abidov – lifted

Just satisfaction: EUR 2,000 (non-pecuniary damage) and EUR 1,500 (costs and expenses)

Gryaznov v. Russia (no. 19673/03)

The applicant, Dmitriy Gryaznov, is a Russian national who was born in 1967 and lives in Kaliningrad (Russia). Convicted of extortion and aggravated murder in 2000, Mr Gryaznov alleged that he had been beaten by the investigator in his case to make him confess. This case concerned his complaint about the unfairness of two sets of proceedings he then brought claiming compensation, first, for his ill-treatment and, second, for an unlawful decision to transfer him from a correctional colony to a prison. Notably, in the first set of proceedings he complained that he had been refused leave to appear at the hearings on his case, that he had not been given a reasonable opportunity to comment on the opposing party's submissions and that the courts had refused to hear a crucial witness for his case. In the second set of proceedings, he complained that the courts had dismissed his claim without examining the merits of his complaint. He relied on Article 6 § 1 (right to a fair trial - equality of arms and right of access to court).

Violation of Article 6 § 1 (equality of arms in the first set of compensation proceedings)

No violation of Article 6 § 1 (access to court in the second set of compensation proceedings)

Just satisfaction: EUR 4,000 (non-pecuniary damage).

Razhev v. Russia (no. 29448/05)

The applicant, Oleg Razhev, is a Russian national who was born in 1958 and lives in Nizhniy Novgorod (Russia). He was convicted of embezzlement in December 2005. He has since been released on parole. Relying on Article 5 §§ 1 and 4 (right to liberty and security), he complained that two weeks of his pre-trial detention in March 2005 on those charges had not been covered by any judicial authorisation and that there had been no effective procedure by which he could challenge the lawfulness of that detention.

Violation of Article 5 § 1 (lawfulness of detention)

Violation of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court)

Just satisfaction: no claim submitted within the time-limit.

Milosavljev v. Serbia (no. 15112/07)

The applicant, Živko Milosavljev, is a Serbian national who was born in 1947 and lives in Kikinda (Serbia). The case concerned Mr Milosavljev's complaint about the authorities' confiscation of a car he had bought in Germany in September 2000 which he used as a taxi. He relied in particular on Article 1 of protocol No. 1 (protection of property), alleging that his car had been confiscated even though he had never actually been found guilty of a customs offence, the misdemeanour proceedings brought against him having been discontinued in July 2004.

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 7,500 (pecuniary damage) and EUR 700 (costs and expenses)

Ištván and Ištvánová v. Slovakia (no. 30189/07)

Komanický v. Slovakia (no. 6) (no. 40437/07)

The applicants in the first case are Ondrej Ištván and Kristína Ištvánová, husband and wife, who are now deceased. Slovak nationals, they were born in 1931 and 1933 respectively and lived in Košice (Slovakia). The applicant in the second case is Ioan Kornelij Komanický, a Slovak national, who was born in 1943 and lives in Bardejov (Slovakia). Both cases concerned the applicants' complaints about the excessive length of civil proceedings in disputes over property. They also alleged that there was no domestic remedy available for their complaints, in particular due to the Constitutional Court's requirement, combined with inconsistencies in its practice in that respect, that - prior to introducing a constitutional complaint - they raise their complaints with the president of the ordinary court concerned. They relied on Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy).

Violation of Article 6 § 1 – in both cases

Violation of Article 13 in conjunction with Article 6 § 1 – in both cases

Just satisfaction: EUR 3,250 (non-pecuniary damage) to the daughter of Mr Ištván and Ms Ištvánová and EUR 3,000 (non-pecuniary damage) to Mr Komanický.

N.B. v. Slovakia (no. 29518/10)

The applicant, Ms N.B, is a Slovak national of Roma ethnic origin, who was born in 1983 and lives in Nálepkovo (Slovakia). The case concerned the applicant's allegation that she had been a victim of forced/coerced sterilisation in a public hospital in Slovakia. She complained in particular that she had been sterilised without her full and informed consent, that the authorities' ensuing investigation into her sterilisation had not been thorough, fair or effective and that her ethnic origin had played a decisive role in her sterilisation. She relied in particular on Article 3 (prohibition of inhuman or degrading treatment), Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy).

Violation of Article 3 (treatment)

No violation of Article 3 (investigation)

Violation of Article 8

Just satisfaction: EUR 25,000 (non-pecuniary damage) and EUR 5,000 (costs and expenses)

MGN Limited v. United Kingdom (no. 39401/04) (Just satisfaction)

The applicant is a British company, MGN Limited, the publisher of the newspaper, *The Daily Mirror*. In its judgment of 18 January 2011, the Court found that there had been a violation of Article 10 (freedom of expression) as regards the requirement that the publisher pay disproportionately high success fees agreed between Naomi Campbell and her lawyers following the British courts' finding that *The Daily Mirror* had breached Ms Campbell's privacy by publishing articles and pictures about her drug-addiction treatment. Today's judgment concerned the question of just satisfaction (article 41).

Just satisfaction: EUR 256,200 (pecuniary damage) as regards both the success fees and costs the applicant company had had to pay following appeals to the House of Lords, and EUR 30,500 (costs and expenses)

Repetitive cases

The following cases raise issues which have already been submitted to the Court.

In the following case, the applicants complained in particular under Article 6 § 1 (right to a fair trial) about the non-enforcement of judgments in their favour.

Dadiani and Matchabeli v. Georgia (no. 8252/08)
Violation of Article 6 § 1

Length-of-proceedings cases

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

Szentesi v. Hungary (no. 19558/09)

Alumina de Macedoine Almaco S.A. v. Greece (no. 20204/09)*

Anogianakis v. Greece (no. 22510/09)*

Ioannou and Others v. Greece (no. 1953/10)

Sitosilo Volou A.E. v. Greece (no. 64846/09)*

Violation of Article 6 § 1 – in all cases

Violation of Article 13 (right to an effective remedy) – in all cases except Sitosilo Volou A.E. v. Greece

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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.