



Judgments concerning Azerbaijan, Germany, Greece, Poland, Russia, Slovakia, Turkey

The European Court of Human Rights has today notified in writing the following 14 judgments, of which 9 (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 only in French are indicated with an asterisk (*).

Nitsov v. Russia (no. 35389/04)

The applicant, Valentin Nitsov, is a Russian national who was born in 1964 and lives in Goryunok, the Kirov Region (Russia). The case concerned his allegation that he had been tortured by police officers for several hours in August 2003 when being held in custody on suspicion of the attempted murder of one of their colleagues, despite the fact that he had already voluntarily confessed to the offence. He was subsequently convicted and sentenced to ten years' imprisonment, later reduced to eight years. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he alleged that he had been ill-treated by the police out of revenge for his shooting their colleague and that the subsequent investigation into his allegation had been inadequate.

Violation of Article 3 (beatings inflicted on the applicant by the police after his arrest)
Violation of Article 3 (effective investigation)

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 350 (costs and expenses)

Salikhov v. Russia (no. 23880/05)

The applicant, Valery Salikhov, is a Russian national who was born in 1965 and lived in Novosibirsk before being arrested in June 2004 on suspicion of rape. The case concerned his complaint that, while being held for questioning on that offence, police officers had beaten him with truncheons and, pinning him down, forcibly removed his underwear and cut his fingernails in order to obtain evidence of the rape. He was then paraded naked from the waist down around the police station. He also claimed that officials subsequently had attempted to take a blood sample from him by force. He complained of further ill-treatment in October 2004 when taken to a hearing concerning the extension of his detention, alleging that he had been beaten beforehand and presented to the judge bloody, barefoot, wet and dirty. He also complained that the investigations into both these allegations of ill-treatment had been ineffective. He relied on Article 3

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.

(prohibition of inhuman or degrading treatment). Further relying on this article, he also complained about the conditions of his detention on remand, which he alleged were appalling. Notably, inmates had to use a bucket to go to the toilet and were only given food once per day on weekdays. Lastly, he complained that the criminal proceedings against him had been unfair as he had not been able to examine in open court the key witnesses against him, in breach of Article 6 §§ 1 and 3 (d) (right to obtain attendance and examination of witnesses).

Violation of Article 3 (circumstances in which the forensic evidence was taken)

Violation of Article 3 (detention conditions)

Violation of Article 3 (circumstances surrounding the applicant's transport to the court-house)

Violation of Article 6 §§ 1 and 3 (d)

Just satisfaction: EUR 20,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Yevgeniy Kuzmin v. Russia (no. 6479/05)

The applicant, Yevgeniy Kuzmin, is a Russian national who was born in 1982 and lives in Mariinsk, Kemerovo Region (Russia). A police officer, he was arrested in September 2003 on suspicion of aggravated assault and of causing death when extracting a confession from a suspect, following which he was detained awaiting trial. His pre-trial detention was continuously extended thereafter until his conviction and sentencing in November 2004 to five-and-a-half years in prison. Relying in particular on Article 5 § 3 (right to liberty and security), Mr Kuzmin complained that the domestic authorities had not given sufficient reasons for his continued pre-trial detention.

Violation of Article 5 § 3

Just satisfaction: EUR 1,000 (non-pecuniary damage). The applicant did not submit any claim for costs and expenses.

Repetitive cases

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

Chorobik v. Poland (no. 45213/07)

This case concerned the applicant's complaint that he could not bring his case to the Supreme Administrative Court because it had rejected his cassation appeal as out of time. The applicant relied on Article 6 § 1 (right of access to court).

No violation of Article 6 § 1

The applicants in the following three cases all complained about the non-enforcement or delayed enforcement of judgments in their favour. They relied on Article 6 § 1 (right to fair trial) and Article 1 of Protocol No. 1 (protection of property).

Bakhshiyev and Others v. Azerbaijan (no. 51920/09) - delayed enforcement

Gasimova and Others v. Azerbaijan (no. 7867/09) - delayed enforcement

Bobic v. Bosnia (no. 26529/10) - non-enforcement

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Taşçı and Demir v. Turkey (no. 23623/10)*

The applicants, Agit Taşçı and Ridvan Demir, are Turkish nationals who were born in 1992 and 1993 respectively. Minors at the time of the events in question – a Molotov-cocktail attack on police housing –, they complained about the length of their pre-trial

detention and the lack of a remedy enabling them to contest that measure. They are currently still being held in pre-trial detention. They relied in particular on Article 5 §§ 3 and 4 (right to liberty and security).

Violation of Article 5 § 3

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

Length-of-proceedings cases

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

***Cangelaris v. Greece* (no. 28073/09) ***

Violation of Article 6 § 1

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 criminal proceedings brought against them.

Seta v. Greece and Germany (no. 30287/09)

Zelidis v. Greece (no. 59793/08)

Sagropoulos v. Greece (no. 61894/08)

Ioannis Karagiannis v. Greece (no. 66609/09)

Masár v. Slovakia (no. 66882/09)

Violation of Article 6 § 1 – in all cases

Violation of Article 13 – in the cases of *Zelidis v. Greece*, *Sagropoulos v. Greece* and *Ioannis Karagiannis v. Greece*

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Press contacts

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

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

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

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

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

Denis Lambert (tel: + 33 3 90 21 41 09)

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.