



Judgments concerning Slovenia and Ukraine

The European Court of Human Rights has today notified in writing the following five judgments, of which one (in italics) is a Committee judgment and is final¹.

Length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release. The judgments are available only in English.

Kondratyev v. Ukraine (application no. 5203/09)

The applicant, Sergey Kondratyev, is a Ukrainian national who was born in 1962 and is currently serving a five-year prison sentence for drug dealing. Suffering from tuberculosis and a knee injury after a fall during a prison transfer, he complained about inadequate medical care during his detention, relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights. Further relying in particular on Article 5 §§ 1 (c) and 3 (right to liberty and security), he also complained about the unlawfulness of his detention and the fact that it lasted for about two and a half years.

No violation of Article 3 (inadequate medical care in detention in respect of the knee injury)

Violation of Article 3 (inadequate medical care in detention in respect of the tuberculosis infection)

Violation of Article 5 § 1 (c) (unlawfulness of certain periods of detention)

Violation of Article 5 § 3 (excessive length of his detention)

Just satisfaction: 10,000 euros (EUR) (non-pecuniary damage)

Oleynikova v. Ukraine (no. 38765/05)

The applicant, Valentina Oleynikova, is a Ukrainian national who was born in 1956 and lives in Kharkiv (Ukraine). The case concerned her allegation that the authorities had failed to carry out an effective investigation into the death in July 2002 of her 19-year-old son who was found drowned in a lake by friends with whom he had been out camping. Ms Oleynikova suspected that her son was killed and did not believe in the official version that he died accidentally. She relied in particular on Article 2 (right to life).

Violation of Article 2 (investigation)

Just satisfaction: EUR 12,000 (non-pecuniary damage)

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

Veniosov v. Ukraine (no. 30634/05)

The applicant, Dmitriy Veniosov, is a Ukrainian national who was born in 1968 and lives in Stary Krym (Ukraine). A former police officer, Mr Veniosov complained about the unlawfulness of his arrest in June 2005 on suspicion of abuse of authority and the ensuing degrading conditions of his detention until his conviction in November 2006. He notably complained about severe overcrowding in a cell with no windows and poor heating, to the extent that in November 2005 an ambulance had to be called as he had hyperthermia. He relied on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 § 1 (right to liberty and security).

Violation of Article 3

Violation of Article 5 §§ 1 (c) (unlawful detention)

Just satisfaction: EUR 6,000 (non-pecuniary damage)

Length-of-proceedings cases

The following two cases concerned the applicants' complaints under Article 6 § 1 (right to a fair trial within a reasonable time) about the excessive length of civil proceedings (**Beguš v. Slovenia**) and of criminal proceedings for a drugs offence (**Orlov v. Ukraine**).

Beguš v. Slovenia (no. 25634/05)

Orlov v. Ukraine (no. 5842/05)

Violation of Article 6 § 1 in both cases

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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.