



Judgments concerning the Czech Republic, Luxembourg and Ukraine

The European Court of Human Rights has today notified in writing the following seven judgments, four of which (in italics) are Committee judgments and are final. The others are Chamber judgments and are not final¹.

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 (*).

Belyaev and Digtyar v. Ukraine (applications nos. 16984/04 and 9947/05)

The applicants, Mikhail Belyaev and Aleksandr Digtyar, are Ukrainian nationals who were born in 1981 and 1979 respectively and are currently serving life sentences in a prison in Romny (Ukraine). Relying on Article 3 (prohibition of inhuman and degrading treatment), the applicants complained about the conditions of their pre-trial detention, notably on account of overcrowding, between 2002 and 2004. Relying on Article 8 (right to respect for private and family life) and Article 34 (right of individual petition), they both complained about the prison authorities' monitoring of their letters to various international institutions, including the European Court. Mr Belyaev further alleged under Article 34 that the domestic authorities had been the instigators of him trying to retract his application to the European Court in August 2009.

Violation of Article 3 (both applicants)

Violation of Article 8 (in respect of both applicants as regards their right to correspondence during their pre-trial detention)

Violation of Article 8 (in respect of Mr Digtyar as regards his right to correspondence during his post-conviction detention)

The Court held that Ukraine had failed to comply with its obligations under Article 34 of the Convention.

Just satisfaction: EUR 7,000 (non-pecuniary damage) to each applicant

Kontsevych v. Ukraine (no. 9089/04)

The applicant, Yaroslava Kontsevych, is a Ukrainian national who was born in 1946 and lives in the town of Kalush (Ukraine). In 1997 Ms Kontsevych and her four sons were evicted because she could not pay a debt for which she had given her apartment as security. Relying on Article 6 § 1 (right to a fair trial), Article 8 (right to respect for

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.

private and family life) and Article 1 of Protocol No.1 (protection of property), Ms Kontsevych complained about the authorities' failure to enforce the ensuing judgments in her favour by which the eviction had been found unlawful and the apartment had been due to be returned to her. Ms Kontsevych and her sons had been living since 1997 in a half-ruined building.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No.1

Violation of Article 8

Just satisfaction: EUR 8,000 (non-pecuniary damage)

Yatsenko v. Ukraine (no. 75345/01)

The applicant, Sergey Yatsenko, is a Ukrainian national who was born in 1975 and lives in Kharkov (Ukraine). The case concerned his allegation of ill-treatment in police custody in April 1997 when he had been arrested on suspicion of extortion. He alleged in particular that he had been punched, kicked, threatened with rape, ordered to strip naked and had his testicles twisted. He further complained that the authorities' ensuing investigation into his allegations had been inadequate. He relied on Article 3 (prohibition of inhuman and degrading treatment).

Violation of Article 3 (investigation)

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

Repetitive case

The following case raised an issue which has already been submitted to the Court.

Day s.r.o. and Others v. the Czech Republic (no. 48203/09)

In this case the applicants complained that Czech legislation had made it impossible for them to challenge before a court the amount of the settlement they had received following the winding up of their company. They relied on Article 6 § 1 (right of access to a court).

Violation of Article 6

Length-of-proceedings cases

In the following cases, the applicants complained in particular about the excessive length of civil proceedings.

Guill v. Luxembourg (no. 14356/08)*

FPK GROSS, OOO v. Ukraine (no. 18608/05)

Mitsevy v. Ukraine (no. 25713/06)

Violation of Article 6 § 1 (in all three 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.