



Judgments¹ concerning Germany, Russia, and Ukraine

The European Court of Human Rights has today notified in writing the following 10 judgments, available only in English.

Elmuratov v. Russia (application no. 66317/09)

The applicant, Ziyadullo Elmuratov, is an Uzbekistani national who was born in 1966. He arrived in Russia in February 2008 to work and currently lives in St Petersburg (Russia). Arrested there in April 2009 as he was on a wanted list in Uzbekistan for cattle theft, he complained about his ensuing detention pending extradition and alleged that, if extradited to his home country, he would be ill-treated. He relied in particular on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 §§ 1 and 4 (right to liberty and security) of the European Convention on Human Rights.

No violation of Article 3

Violation of Article 5 §§ 1 and 4

Just satisfaction: 25,000 euros (EUR) (non-pecuniary damage) and EUR 3,000 (costs and expenses)

Under Rule 39 the Court indicated that the applicant should not be extradited until the present judgment becomes final or further order.

Kuptsov and Kuptsova v. Russia (no. 6110/03)

The applicants, Denis Kuptsov, and his mother, Lyudmila Kuptsova, are two Russian nationals who were born in 1987 and 1962 respectively and live in Volgograd (Russia). The case concerned the pre-trial detention of and criminal proceedings against Mr Kuptsov in 2002/2003, when he was a minor, on charges of several counts of robbery committed in conspiracy with others. Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, he complained that the conditions of his detention in a police station for one week after his arrest had been appalling. Relying on Article 5 §§ 1 (c), 3 and 4 (right to liberty and security), he complained that his detention on remand had been unlawful and excessively long and without appropriate procedural guarantees. Relying on Article 6 § 1 (right to a fair trial) he further alleged that the criminal proceedings against him had been unfair.

Violation of Article 3

Four violations of Article 5 § 1

Three violations of Article 5 § 4

No violation of Article 5 § 4 (absence from appeal hearing of 11 March 2003)

Violation of Article 5 § 3

¹ Under Articles 43 and 44 of the Convention, these Chamber judgments are not final. During the three-month period following their 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

Violation of Article 6 § 1 (fairness)

Just satisfaction: no claim made by Mr Kuptsov within time-limit

Tsarenko v. Russia (no. 5235/09)

The applicant, Vitaliy Tsarenko, is a Russian national who was born in 1989 and lived in St Petersburg (Russia) until the time of his arrest in March 2007 on suspicion of murdering several people. Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 13 (right to an effective remedy) and Article 5 §§ 1, 3 and 4 (right to liberty and security), he complained that he had been detained unlawfully for almost eight months, that he had spent almost two years detained in inhuman conditions, and that he had not had an effective remedy in respect of these complaints.

Violation of Article 3

Two violations of Article 5 § 1

Violation of Article 5 §§ 3 and 4

Violation of Article 13 in conjunction with Article 3

Just satisfaction: EUR 24,000 (non-pecuniary damage) and EUR 3,000 (costs and expenses)

Merkulova v. Ukraine (no. 21454/04)

The applicant, Nataliya Merkulova, is a Ukrainian national who was born in 1955 and lives in Dudarkiv (Ukraine). Her son died in hospital in May 1997, two weeks after having been beaten up by an acquaintance. Relying in particular on Article 2 (right to life), she complained that the authorities had lacked diligence in investigating the circumstances of her son's death.

Violation of Article 2 (lack of effective investigation)

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

Zhukovskiy v. Ukraine (no. 31240/03)

The applicant, Andrey Zhukovskiy, is a Ukrainian national who was born in 1979 and is currently serving a prison sentence for murder in Ukraine. Relying in particular on Article 6 §§ 1 and 3 (d) (right to a fair trial), he complained that the criminal proceedings against him had been unfair and that the courts had based his conviction on the testimony of witnesses whom he had not been allowed to question.

Violation of Article 6 §§ 1 and 3 (d)

Just satisfaction: no claim made by the applicant

Length-of-proceedings cases

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

Criminal

Jahnke v. Germany (no. 39641/08)

This case concerned in particular the applicant's complaint concerning the excessive length of criminal proceedings brought against her for money laundering.

Violation of Article 6 § 1

Violation of Article 13

Non-criminal

Avramenko v. Ukraine (no. 24685/07)
Kolesnikova v. Ukraine (no. 7536/05)
Prasov v. Ukraine (no. 27685/04)
Sheptitskaya and Sheptitskiy v. Ukraine (no. 23747/05)
Violation of Article 6 § 1 – all 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.