



## Chamber judgments<sup>1</sup> concerning Austria, Azerbaijan, Bulgaria, France, Russia, Switzerland, “the former Yugoslav Republic of Macedonia” and Ukraine

The European Court of Human Rights has today notified in writing the following 14 Chamber judgments.

Repetitive cases<sup>2</sup> and one length-of-proceedings case, 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 (\*).

### Kugler v. Austria (application no. 65631/01)

The applicant, Paul Kugler, is an Austrian national who lives in Imst (Austria). Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights, he complained about the unfairness (lack of a public hearing and of access to his case file) and excessive length of proceedings in which he had applied for a building permit to construct a hotel on a plot of land he co-owned in Lech (Austria).

**Violation of Article 6 § 1** (length)

**Violation of Article 6 § 1** (lack of public hearing)

**No violation of Article 6 § 1** (access to case file)

**Just satisfaction:** 4,000 euros (EUR) (non-pecuniary damage) and EUR 5,000 (costs and expenses)

### Veriter v. France (no. 31508/07)\*

The applicant, Bernard Veriter, was born in 1946 and lives in Champigneulle (France). He is a Belgian national and also acquired French nationality by marriage. He was recruited to the French civil service. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) of the Convention, he complained about the length of three sets of proceedings he had instituted in the administrative courts to have his period of military service in the Belgian army taken into account in the calculation of his promotion rights on grounds of seniority and his pension entitlements. His complaints concerned the length of the first two sets of proceedings and of the proceedings for damages he had brought against the State precisely on account of their length. Alongside these administrative proceedings, Mr Veriter brought a complaint before the European Commission which eventually led to a change in French law.

**No violation of Article 6 § 1**

1 Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its 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 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.

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](http://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.

## Andrushko v. Russia (no. 4260/04)

The applicant, Svetlana Andrushko, is a Russian national who was born in 1951 and lives in Omsk (Russia). Ms Andrushko, a candidate in the Omsk 2002 regional elections, complained that she had been found liable for defamation in civil proceedings brought against her for the publication of a leaflet questioning her competitor's moral character and calling upon the local population not to vote for him. She relied in particular on Article 10 (freedom of expression).

### Violation of Article 10

**Just satisfaction:** EUR 128 (pecuniary damage), EUR 9,000 (non-pecuniary damage) and EUR 180 (costs and expenses)

## Georgiy Bykov v. Russia (no. 24271/03)

The applicant, Georgiy Bykov, formerly a military officer, is a Russian national who was born in 1963 and is currently serving a sentence of 15 years' imprisonment for two counts of manslaughter in Semiluki correctional colony (Voronezh Region, Russia) following the brutal murders of two military officers with an axe. Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Bykov alleged that police officers had severely beaten him following his arrest in July 2001 in order to force him into confessing to the murders and that the ensuing investigation into his complaints about that ill-treatment had been inadequate.

**Violation of Article 3** (prohibition of inhuman or degrading treatment)

**Violation of Article 3** (lack of effective investigation)

**Just satisfaction:** EUR 15,000 (non-pecuniary damage) and EUR 1,166.71 (costs and expenses)

## Volchkov v. Russia (no. 45196/04)

The applicant, Mikhail Volchkov, is a Russian national who was born in 1970 and lives in Roslavl (Smolensk Region, Russia). Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), Mr Volchkov complained about the appalling conditions of his detention – in particular on account of overcrowding – between 1996 and 2006 while detained in a remand centre in Smolensk.

**Violation of Article 3** (prohibition of inhuman or degrading treatment)

**Violation of Article 13**

**Just satisfaction:** EUR 2,000 (non-pecuniary damage)

## Pedro Ramos v. Switzerland (no. 10111/06)\*

The applicant, Luis Miguel Pedro Ramos, is a Swiss national who was born in 1968 and lives in Geneva. Relying in particular on Article 6 § 1 (right to a fair hearing), he complained about the Federal Court's decision not to grant him legal aid – in the amount of the requisite advance on legal costs – in civil proceedings he had instituted for release from liability for debts.

**No violation of Article 6 § 1**

## Khayredinov v. Ukraine (no. 38717/04)

The applicant, Simar Khayredinov, is a Ukrainian national who was born in 1984 and lives in Dachne village (Crimea, Ukraine). Found guilty of hooliganism in May 2007 and sentenced to three years and two months' imprisonment, Mr Khayredinov complained that his placement in custody on those charges had been unjustified and excessive as he was only 20 years' old at the time and had had no previous convictions. He also

complained that the courts had rejected his requests for release and had continued his detention without considering alternative measures such as a written undertaking or bail. He relied on Article 5 §§ 1 and 3 (right to liberty and security).

**Violation of Article 5 §§ 1 and 3**

**Just satisfaction:** EUR 5,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

**Naydyon v. Ukraine (no. 16474/03)**

The applicant, Vladimir Naydyon, is a Ukrainian national who was born in 1962 and is currently serving a sentence of life imprisonment in the Donetsk Region (Ukraine) for aggravated murder, burglary and sexual intercourse with a minor. Relying in particular on Article 34 (right of individual petition), he complained about the prison authorities' interference with his correspondence with the European Court of Human Rights and the courts' refusal to provide him with copies of documents for his application to this Court.

**No violation of Article 34** (correspondence with the Court)

**Violation of Article 34** (refusal to provide copies of documents for application)

**Just satisfaction:** no claim made by the applicant

**Shchokin v. Ukraine (nos. 23759/03 and 37943/06)**

The applicant, Yuriy Shchokin, is a Ukrainian national who was born in 1971 and lives in Kharkiv (Ukraine). Mr Shchokin complained that the authorities' increases in his income tax liability had been unlawful. He relied in particular on Article 1 of Protocol No. 1 (protection of property).

**Violation of Article 1 of Protocol No. 1**

**Just satisfaction:** EUR 1,200 (non-pecuniary damage) and EUR 1,500 (costs and expenses)

**Repetitive cases**

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

**Safarova v. Azerbaijan (no. 35507/07)**

This case concerned the non-enforcement of a judgment in the applicant's favour. She relied on Article 6 § 1 (right to a fair hearing), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy).

**Violation of Article 6 § 1** (fairness)

**Violation of Article 1 of Protocol No. 1**

**Doron v. Bulgaria (no. 39034/04)**

**Georgiev v. Bulgaria (no. 27240/04)**

These two cases concerned the applicants' complaints about the excessive length of criminal proceedings against them, in the first case for large scale embezzlement and in the second case for theft. They relied on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy).

**Violation of Article 6 § 1** (length) – both cases

**Violation of Article 13 in conjunction with Article 6 § 1** (length) – both cases

**Friendly settlement (final)**

**Lesnina Veletrgovina DOO v. the Former Yugoslav Republic of Macedonia (no. 37619/04)**

This case concerned the lengthy non-enforcement of three final judgments in the applicant company's favour. It relied on Article 6 § 1 (right to a fair hearing within a reasonable time).

### Length-of-proceedings case

#### **Eigenstiller v. Austria (no. 42205/06)**

In this 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.

#### **Violation of Article 6 § 1**

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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.