



## Judgments and decisions of 12 March 2015

The European Court of Human Rights has today notified in writing eight judgments and 34 decisions<sup>1</sup> :

Three Chamber judgments<sup>2</sup> are summarised below; for three others, *Muršić v. Croatia* (application no. 7334/13), *Almeida Leitão Bento Fernandes v. Portugal* (no. 25790/11) and *Lyalyakin v. Russia* (no. 31305/09), separate press releases have been issued;

two Committee judgments and the 34 decisions can be consulted on [Hudoc](#); they do not appear in this press release.

*The judgments in French below are indicated with an asterisk (\*).*

### Adžić v. Croatia (application no. 22643/14)

The applicant, Miomir Adžić, is a national of the United States of America who was born in 1968 and lives in Charlotte, North Carolina (the United States of America).

Mr Adžić's case concerned the length of court proceedings in Croatia in response to his request for the return of his son to the United States of America.

Mr Adžić married a Croatian national in 2008 and later that year the couple had a son. His wife and son moved to the United States of America to join him in 2009. In 2011 Mr Adžić's wife and son went to Croatia for the summer. However instead of returning to America, his wife sent him an email informing him that they were to stay in Croatia and that she was seeking a divorce. A week later Mr Adžić began his efforts to have his son returned to him, making a request via the Croatian Ministry of Health and Social Welfare that his wife voluntarily return the boy and later requesting his return under the terms of the Hague Convention on the Civil Aspects of International Child Abduction. His wife was opposed to returning the child either with or without her. The Ministry forwarded Mr Adžić's request to the Zagreb Municipal Court, which instituted proceedings for the return of his son. In March 2012 this court dismissed Mr Adžić's request. He successfully appealed this decision and argued for the appointment of a new judge in the case. The case was remitted and assigned to a new judge in January 2013 and new reports, expert opinions and information on the child and his welfare gathered. In May 2014 the Zagreb Municipal Civil Court again dismissed Mr Adžić's case and the Zagreb County Court upheld the ruling in October 2014. The case is currently pending before the Constitutional Court. In November 2014 the Supreme Court dismissed his parallel case which concerned the length of time it was taking to secure a proper hearing.

Relying in particular on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Adžić complained about the excessive length of the proceedings – having so far lasted more than three years – for the return of his son under the Hague Convention.

### Violation of Article 8

<sup>1</sup> Inadmissibility and strike-out decisions are final.

<sup>2</sup> Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber 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](http://www.coe.int/t/dghl/monitoring/execution)

**Just satisfaction:** 7,500 euros (EUR) (non-pecuniary damage) and EUR 2,310 (costs and expenses)

## Bouros and Others v. Greece (nos. 51653/12, 50753/11, 25032/12, 66616/12, and 67930/12)\*

The applicants are three Greek nationals, Christodoulos Giatzoglidis, Michail Gavriilidis and Giorgos Pourselantzei, a Romanian national, Vasile Bouros, and a Bulgarian national, Stefan Dimitrov, born in 1962, 1984, 1983, 1972 and 1972 respectively, who either are or were detained in Larissa Prison (Greece).

The case concerned their conditions of detention in that prison and, regarding Vasile Bouros, in Korydallos Prison, and regarding Stefan Dimitrov, in Diavata Prison.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicants complained in particular of prison overcrowding and of the very insalubrious sanitary conditions in which they were or had been detained. They alleged that they had been put in unfurnished, unheated and unlit cells measuring approximately 25 m<sup>2</sup> and containing between 6 and 10 inmates. They also complained of the unbearable smell in the prison caused by rubbish being thrown out of the cell windows into the yard, and of the vermin attracted by the rubbish.

**Violation of Article 3** (degrading treatment) – in respect of Mr Bouros, Mr Giatzoglidis, Mr Gavriilidis and Mr Dimitrov, concerning their conditions of detention in Larissa Prison

**No violation of Article 3** – in respect of Mr Pourselentzei

**Just satisfaction:** EUR 22,000 to Mr Bouros, EUR 29,000 to Mr Giatzoglidis, EUR 7,800 to Mr Gavriilidis and EUR 20,000 to Mr Dimitrov (non-pecuniary damage), and EUR 3,800 to those four applicants jointly (costs and expenses)

## Kopanitsyn v. Russia (no. 43231/04)

The applicant, Dmitriy Kopanitsyn, is a Russian national who was born in 1980 and lives in Moscow.

Mr Kopanitsyn's case concerned his pre-trial detention on suspicion of robbery.

On 15 July 2004 Mr Kopanitsyn was arrested on suspicion of robbery and claimed he had been beaten by a police officer who was trying to extract a confession from him. The next day the Zamoskvoretskiy District Court of Moscow remanded Mr Kopanitsyn in custody and his detention was then repeatedly extended until his trial two years later when he was found guilty and given a prison sentence. Between July and September 2004 he was detained in IZ-77/1 remand prison in Moscow which he claims was overcrowded with poor sanitary conditions in the cells.

Mr Kopanitsyn's initial letter of complaint to the European Court of Human Rights of September 2004 was misdirected to the President of Russia's Office and from there transferred to the Moscow Prosecutor's Office. A prosecutor notified Mr Kopanitsyn that his complaint to the European court of Human Rights had been examined and was considered unfounded. He was also informed that he ought to wait until after his case had gone to trial before making a complaint or else it would be considered that he had not exhausted domestic remedies. Mr Kopanitsyn twice lodged complaints about the Moscow Prosecutor's Office examining his correspondence with the European Court of Human Rights. The Zamoskvoretskiy District Court of Moscow rejected the complaint on both occasions, a decision reaffirmed by the Moscow City Court on appeal.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 § 3 (right to liberty and security), Mr Kopanitsyn complained about the appalling conditions and the excessive length of his pre-trial detention. Further relying on Article 34 (right of individual petition), he complained about the Government opening and examining his complaint to the European Court

of Human Rights and the authorities' delay in posting two of his letters to his lawyer whilst he had been serving his prison sentence.

### **Violation of Article 34**

**Complaints under Articles 3 and 5 § 3 struck out**, having regard to the terms of the Russian Government's declaration, and the modalities for ensuring compliance with the undertakings referred to therein

**Just satisfaction:** EUR 3,000 (non-pecuniary damage)

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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.