



## Judgments and decisions of 21 May 2015

The European Court of Human Rights has today notified in writing 14 judgments<sup>1</sup> and 77 decisions<sup>2</sup>: two Chamber judgments are summarised below; for one other, in the case of *Yengo v. France* (application no. 50494/12), a separate press release has been issued; for one decision, in the case of *S.S. and Others v. the United Kingdom* (nos. 40356/10 and 54466/10), a separate press release has also been issued; two Chamber judgments and nine Committee judgments, concerning issues which have already been submitted to the Court, and the 76 remaining decisions can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgments below are available only in English.*

### Mukhitdinov v. Russia (application no. 20999/14)

The applicant, Lutpiddin Mukhitdinov, was born in 1967 in the Uzbek SSR of the USSR and has lived in Russia since 1997. He acquired Russian nationality in 2001 but has been stateless since the Russian Federal Migration Service cancelled his Russian passport in 2013, on the ground that he had obtained Russian nationality by fraud. According to the authorities of Uzbekistan, he has forfeited his Uzbek nationality because of his unaccounted absence from the country for more than five years.

The case concerned Mr Mukhitdinov's complaint that his extradition to Uzbekistan, as authorised by the Russian courts, would expose him to a real risk of ill-treatment, and his disappearance after having been released from detention in Russia.

Mr Mukhitdinov was arrested in Tyumen, Russia, in June 2013 and subsequently placed in detention pending his extradition to Uzbekistan, where he was wanted after having been charged with, in particular, participation in a religious terrorist organisation. The order for his detention was subsequently extended several times until he was released on 11 March 2014.

In December 2013, the Russian Prosecutor General approved Mr Mukhitdinov's extradition to Uzbekistan, noting in particular that the Uzbek authorities had provided assurances that he would not be subjected to torture or other forms of ill-treatment. Mr Mukhitdinov's appeals against the extradition order were rejected, that decision being eventually upheld by the Supreme Court on 19 March 2014. Meanwhile, following Mr Mukhitdinov's request, the European Court of Human Rights, on 17 March 2014, indicated to the Russian Government, under Rule 39 (interim measures) of its Rules of Court, that he should not be extradited or otherwise involuntarily removed from Russia for the duration of the proceedings before the European Court.

In July 2014, Mr Mukhitdinov was taken away from his home by officers of the Federal Migration Service. According to the Russian Government, he was subsequently released again and disappeared. His representative submitted that she had information that he was in police custody

<sup>1</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)

<sup>2</sup> Inadmissibility and strike-out decisions are final.

and was to be transferred to Uzbekistan. Following a request by the European Court of Human Rights for factual information concerning the circumstances of Mr Mukhitdinov's disappearance, the Russian Government replied that his current whereabouts were not known.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Mukhitdinov initially complained that the Russian authorities had failed to consider his claims that he risked ill-treatment if extradited to Uzbekistan, and that if the extradition was to take place it would expose him to the risk of such treatment. Relying further on Article 5 §§ 1 (f) and 4 (right to liberty and security / right to have lawfulness of detention decided speedily by a court), he complained that his detention after 30 December 2013 had been unlawful and that he had been unable to obtain a judicial review of his detention. Following his disappearance, his representative also alleged that his disappearance and possible unlawful removal from Russia, the failure of the Russian authorities to put in place the necessary protective measures, and a lack of an effective investigation into the matter had been in breach of the interim measure indicated by the Court under Rule 39 of its Rules of Court, and thus in violation of Article 34 (right of individual petition) of the Convention.

**Violation of Article 3** – on account of exposing Mr Mukhitdinov to a real and imminent risk of torture and ill-treatment by authorising his extradition to Uzbekistan

**Violation of Article 3** – on account of the Russian authorities' responsibility for Mr Mukhitdinov's disappearance and their failure to carry out an effective investigation into the incident

**Violation of Article 5 § 1** – on account of Mr Mukhitdinov's detention after 30 December 2013

**Violation of Article 5 § 4**

**Violation of Article 34**

**Interim measure** (Rule 39 of the Rules of Court) – not to extradite or otherwise involuntarily remove Mr Mukhitdinov from Russia to Uzbekistan or another country – still in force until judgment becomes final or until further order.

**Just satisfaction:** EUR 7,500 (non-pecuniary damage) and EUR 10,000 (costs and expenses)

## Zavodnik v. Slovenia (no. 53723/13)

The applicant, Stanislav Zavodnik, is a Slovenian national who was born in 1938 and lives in Ravne na Koroškem (Slovenia). The case concerned his complaint that a set of bankruptcy proceedings against his former employer, in which he had lodged a claim for payment of salary arrears, had been unfair and excessively long.

Mr Zavodnik is a former employee of the company Z.R. After the company had transferred him to another employer, he brought proceedings against Z.R. In 1997 a labour court granted his claims. Having established that the transfer had never taken effect and that Mr Zavodnik's employment with Z.R. had continued, the court ordered Z.R. to pay him the salary and the benefits to which he was entitled from the day of his transfer. In 1999 the decision became final. As the company Z.R. had not made those payments by April 2000, Mr Zavodnik brought enforcement proceedings. In July 2000 those proceedings were suspended pending a final resolution of bankruptcy proceedings which had been brought against the company Z.R. before a district court.

Mr Zavodnik subsequently lodged a claim in the bankruptcy proceedings seeking the payment of the equivalent of approximately 8,346 euros, as ordered by the 1997 labour court judgment. After some delays related to the resolution of another set of bankruptcy proceedings, the hearing on the distribution of the company's estate was held in September 2008, and the court accepted the receiver's distribution proposal. The court's decision was posted on the court's notice board on the day following the hearing. As Mr Zavodnik had not been notified of the hearing – its date had only been announced two months earlier in the official gazette and on the court's notice board – he only became aware of the decision a few weeks later, after the eight-day time-limit for challenging it had expired. In November 2008 the court decided to terminate the proceedings. Mr Zavodnik's appeals

against that decision – arguing in particular that he had not been properly informed about the relevant hearing and that he should have been awarded the full amount claimed – were dismissed. His constitutional complaint was eventually rejected in December 2009.

Relying on Article 6 § 1 (right to a fair trial), Mr Zavodnik complained that the proceedings had been unfair, since he had not been properly notified of the hearing in September 2008 and had thus been prevented from participating in it and lodging an appeal within the relevant time-limit. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), he further complained that the proceedings had been excessively long and that the remedies available to him in Slovenia in respect of the length of the proceedings had been ineffective.

**Violation of Article 6 § 1** – on account of the failure to properly inform Mr Zavodnik about the hearing on the distribution of the estate

**Violation of Articles 6 § 1 and 13** – on account of the length of the proceedings and ineffectiveness of remedies in this respect

**Just satisfaction:** EUR 12,500 (non-pecuniary damage) and EUR 2,500 (costs and expenses)

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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.