



Judgments of 20 April 2021

The European Court of Human Rights has today notified in writing 12 judgments¹:

four Chamber judgments are summarised below;

eight Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments summarised below are available only in English.

Gatsalova v. Russia (application no. 41318/10)

The applicant, Zarema Akhmedovna Gatsalova, is a Russian national who was born in 1981 and lives in Nalchik (Republic of Kabardino-Balkariya, Russia).

The case concerned the Russian authorities' refusal to return the body of the applicant's deceased husband, Timur Dzankhotovich Gatsalov, who had allegedly participated in an attack on law-enforcement authorities in Nalchik on 13 October 2005 and was killed shortly thereafter, and the lack of an effective domestic remedy in that regard.

According to the applicant, the body of Mr Gatsalov was identified by his mother a week after the attack. In mid-January 2006 his identity was confirmed by the results of a DNA test. Requests by the applicant and Mr Gatsalov's parents for the body to be returned for burial either remained unanswered or were refused. On 22 June 2006 the bodies of 95 presumed terrorists, including the body of Mr Gatsalov, were cremated. The cremations took place following a decision by the authorities not to return the bodies of the deceased to their families. According to the applicant, neither she nor any other relatives of her late husband were notified of that decision or of the cremation.

Relying on Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, the applicant complained of the authorities' refusal to return the body of her deceased husband and the lack of an effective remedy in that regard.

Violation of Article 8 (on account of the decision not to return the body of the deceased husband to the family)

Violation of Article 13 in conjunction with Article 8 (on account of the lack of an effective remedy in respect of the decision not to return the body of the deceased husband to the family)

Just satisfaction:

The finding of a violation constitutes in itself sufficient just satisfaction

Costs and expenses: 2,000 euros (EUR)

¹ 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: http://www.coe.int/t/dghl/monitoring/execution_-_blank

Kuzmina and Others v. Russia (no. 66152/14 and eight other applications)

The applicants are nine Russian nationals who were all born between 1967 and 1990.

This case concerned multiple alleged incidents of police entrapment for drug dealing in the conduct of undercover operations. The police allegedly arranged for police informants to purchase drugs on nine separate occasions and then arrested the seller. There is reported to be a structural problem of entrapment identified and reiterated in previous cases.

The applicants, relying on Article 6 § 1 (right to a fair trial) of the European Convention, alleged that they had been convicted of criminal offences which they had committed because they had been incited to do so by an *agent provocateur*. They submitted that they had never procured drugs and would not have done so had they not been lured into the transactions by the police and their informants.

Violation of Article 6 § 1

Just satisfaction:

The finding of a violation constitutes in itself sufficient just satisfaction

Costs and expenses: see the table annexed to the judgment

Naltakyan v. Russia (no. 54366/08)

The applicant, Zaven Volodyayevich Naltakyan, is a Russian national who was born in 1972 and lives in Miramas (France).

The case concerned the applicant's learning of his child's survival at birth only a year and a half later, following receipt of a claim for removal of his parental authority over the child in the context of adoption proceedings, and his unsuccessful applications for access to and custody of his child.

Relying in particular on Article 8 (right to respect for private and family life) of the Convention, the applicant complained of the authorities' decisions refusing his son's return to his family and refusing him contact rights with his son.

Violation of Article 8 (on account of the authorities' decisions refusing the return of the applicant's son to his family)

Violation of Article 8 (on account of the refusal of contact rights)

Just satisfaction:

No request for just satisfaction made

Stevan Petrović v. Serbia (nos. 6097/16 and 28999/19)

The applicant, Stevan Petrović, is a Serbian national who was born in 1987 and lives in Serbia.

The case concerned the pre-trial detention of the applicant as a suspect in a robbery and the subsequent investigation proceedings.

The applicant, relying mainly on Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 6 § 3 (c) (right to legal assistance of own choosing), complained of having been ill-treated while in police custody, his inability to appoint a lawyer of his own choosing during that time and the subsequent lack of an effective official investigation into his alleged abuse. The applicant furthermore complained of the length of his pre-trial detention and of the duration and effectiveness of the proceedings before the Constitutional Court.

Violation of Article 3 (investigation)

No-Violation of Article 3 (ill-treatment)

No violation of Article 5 § 1
Violation of Article 5 § 3
Violation of Article 5 § 4
No violation of Article 6 § 3 (c)

Just satisfaction:

Non-pecuniary damage: EUR 6,000

Costs and expenses: EUR 2,000

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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.