CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

FIRST SECTION

**CASE OF LABZOV v. RUSSIA**

*(Application no. 62208/00)*

JUDGMENT

STRASBOURG

16 June 2005

**FINAL**

*16/09/2005*

*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*

**In the case of Labzov v. Russia**,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER,
Mrs E. STEINER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr S.E. JEBENS, *judges*,
and Mr S. NIELSEN, *Section Registrar*,

Having deliberated in private on 26 May 2005,

Delivers the following judgment, which was adopted on that date:

## PROCEDURE

1. The case originated in an application (no. 62208/00) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Russian national, Mr Vladimir Madestovich Labzov ("the applicant") on 8 June 2000.

2. The applicant, who had been granted legal aid, was represented by Ms Gabriele Braun, a lawyer practising in Strasbourg. The Russian Government ("the Government") were represented by Mr Pavel Laptev, the Representative of the Russian Federation at the European Court of Human Rights.

3. The applicant alleged, in particular, that the conditions of his detention on remand were inhuman and that the State hindered his free communication with the Court.

4. The application was allocated to the First Section of the Court (Rule 52 § 1 of the Rules of Court). Within that Section, the Chamber that would consider the case (Article 27 § 1 of the Convention) was constituted as provided in Rule 26 § 1.

5. By a decision of 8 January 2004, the Court declared the application partly admissible.

6. On 1 November 2004 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed First Section (Rule 25 § 2).

7. The applicant and the Government each filed observations on the merits (Rule 59 § 1). The Chamber decided, after consulting the parties, that no hearing on the merits was required (Rule 59 § 3 *in fine*).

# THE FACTS

## I. THE CIRCUMSTANCES OF THE CASE

### A. The applicant's detention on remand

8. The applicant was born in 1956 and lives in Cheboksary. He used to work as a manager of a private building partnership. In April 2000 the police charged him with embezzlement. They accused the applicant of having fraudulently appropriated a tractor and a tank truck belonging to the partnership.

9. On 10 April 2000, the investigator in charge of the applicant's case interviewed the applicant and decided to put him in a remand prison. Since the applicant had had a heart condition during the interview, the investigator had to put him in a prison hospital instead.

10. Diagnosed with a coronary heart disease, the applicant spent the next 36 days in hospital UL-34/4. During this time, he was 14 times examined by a cardiologist and once by a neurologist. The doctors treated the applicant with medicines and made laboratory tests. As soon as the applicant's condition had stabilised, he was discharged from the hospital.

11. On 16 May 2000, the applicant was relocated to remand prison IZ-21/2 in Tsivilsk. The parties' descriptions of the prison and of the life in it differ.

12. According to the applicant, prisoners were delivered to the prison in armoured vans. Even though the heat outside reached 30ºC, each van carried as many as 30–40 prisoners. The air in the vans was stuffy. Guards clubbed the prisoners and set the dogs on them. The prison building, built in the 18th century, had never been renovated. Dirt-filled floors let no air through. Cells were illuminated with 40 watt filament lamps, too dim to read by. The prison administration confiscated all the medicines the applicant had and gave no replacement.

13. According to the Government, the applicant was delivered to the prison in a van that could carry 22 prisoners. The air outside was cool, 6ºC, and the van carried as few as 14 prisoners. The guards used no clubs or dogs. In 2002–03 the prison building was renovated: sanitary equipment was replaced, walls were repainted, a forced ventilation system was installed. During the applicant's stay in the prison, all cells were sufficiently lit with filament lamps. Windows were large enough to read and work by natural light. The temperature and humidity in the cells were within the established norms. The prison had a central continuous supply of potable water from its own artesian well. The quality of the water was routinely inspected by a bacteriological laboratory. Every cell had a cistern of potable water. In addition, daily at 7 a.m. and 4 p.m. prisoners received boiled drinking water. The applicant always had a separate bed, a mattress, a blanket, two sheets, a pillow, and a pillow-case.

He could have shower at least once a week. After each shower, the applicant received fresh bedding and underwear. Prison doctors treated him and gave him necessary medicines. The applicant could not, however, have any medicines of his own.

14. On his arrival to the prison, the applicant was put in Cell 16, in which he spent half a day. The parties' descriptions of this cell differ.

15. According to the applicant, this cell was in a poor technical condition. Its floor was flooded with excrements.

16. According to the Government, this cell measured 19.3 m². It housed 20 prisoners, even though it was designed to house 10. There was a double-glazed window of 115 × 95 cm. The window had a 115 × 20 cm window leaf to ventilate the cell. In one corner of the cell there were a toilet and a wash-basin. The toilet was fixed 70 cm above the floor and could be reached by two steps. It was separated from the rest of the cell with a curtain and a tiled wall, at least 1 m high. The toilet had flushing taps and central sewage. The wash-basin provided cold running water.

17. In the evening of 16 May 2000, the applicant was relocated to Cell 49 in which he spent the next 29 days. The parties' descriptions of this cell differ.

18. According to the applicant, this cell measured 15 m². It housed, on average, 35–40 prisoners, even though it had only 20 beds. The prisoners had to take turns to sleep. Sleeping was impossible because the lights were always on, and because the prisoners listened to music and talked day and night. The windows were covered with metal blinds which let through too little light. No bedding, crockery, or cutlery was available. As the dinner table was small, the prisoners had their meals in shifts, often sharing the crockery with the ill. The food was hardly edible. Cock-roaches, ants, rats, mice, and lice abounded. Hot water supply was limited to 20 litres a day. The toilet was fixed 1.2 m above the floor, right in front of the guards' peephole. As the guards were mostly women, using the toilet was a humiliation. The cell was overpopulated, and five prisoners suffered of dysentery. Therefore, the toilet was always occupied. Once in a fortnight, a prisoner could spend five minutes in a shower. Once a day, the prisoners had an hour-long walk in a small yard on the roof of the building.

19. According to the Government, this cell measured 21.2 m². During the applicant's stay, the cell on average housed 22 prisoners, even though it was designed to house 10. There were two double-glazed windows of 120 × 120 cm each. Each window had a 25 × 25 cm window leaf to ventilate the cell. In one corner of the cell there were a toilet and a wash-basin. The toilet was fixed 25 cm above the floor. It was separated from the rest of the cell with a tiled wall, at least 1 m high. The toilet had flushing taps and central sewage. The wash-basin provided cold running water. There were no prisoners suffering from dysentery in the cell. Prisoners suffering from intestinal infections, vermin, veneral diseases, and acute tuberculosis were housed apart.

20. As the applicant's health had worsened, on 14 June 2000 he was relocated to a temporary detention unit, and on 16 June 2000 – back to hospital

UL-34/4. He spent the next 36 days in the somatic ward of the hospital. During this period, a cardiologist examined the applicant 13 times and treated him. As soon as the applicant's condition had stabilised, he was discharged from the hospital.

21. On 22 July 2000, the applicant was returned to the prison and put in Cell 18 where he spent the next 2 days. The parties' descriptions of this cell differ.

22. According to the applicant, windows in this cell had no glass. Instead, they were tightly covered with halved metal tubes. Small holes in the tubes let through little light. The cell was located in the basement and had no ventilation. No bedding, crockery, or cutlery was available. The toilet was fixed 1.8 m above the floor. Next to it stood a dinner table. As the cell housed as many as 78 prisoners, the toilet and the table were always occupied, often at the same time. Smokers made non-smokers' life a misery. Whenever someone fell unconscious, guards dragged him out into the corridor for a breath of fresh air.

23. According to the Government, this cell was located in the ground floor and measured 23 m². During the applicant's stay, the cell on average housed 17 prisoners, even though it was designed to house 10. There were two double-glazed windows of 70 × 70 cm each. Each window had a 70 × 20 cm window leaf to ventilate the cell. In one corner of the cell there were a toilet and a wash-basin. The toilet was fixed 45 cm above the floor and could be reached by a step. It was separated from the rest of the cell with a tiled wall, at least 1 m high. The toilet had flushing taps and central sewage. The wash-basin provided cold running water.

24. On 24 July 2000, the applicant was taken to the temporary detention unit for interrogation.

25. On 28 July 2000, he was returned to the prison and put in Cell 49 where he spent the next 4 days.

26. On 31 July 2000, the investigating authorities dropped the charges against the applicant under an amnesty law.

27. On 1 August 2000, the applicant was released.

### B. The applicant's departure from Russia

28. In January 2003 the applicant left Russia for Strasbourg. The parties' accounts of the events preceding the departure differ.

#### *1. The applicant's account*

29. On 20 December 2002, an investigating officer of the Ministry of the Interior of the Chuvash Republic telephoned the applicant. Without naming himself, the officer invited the applicant to an interview concerning a criminal investigation. The applicant was not aware of any investigations.

30. On 21 December 2002, K., a Deputy Director of the Economic Crimes' Department of the Ministry of the Interior of the Chuvash Republic, telephoned

the applicant. He interrogated the applicant about his application to the Court. K. hinted that the applicant had better withdraw his case from the Court, or else the police would find a pretext for a new criminal case and imprison him again.

31. On 23 December 2002, P., the Director of the Economic Crimes' Department, telephoned the applicant and invited him for an interview. During the interview, P. ordered the applicant with gestures to speak low because the room was bugged. Afraid to speak, P. wrote down all crucial phrases and showed them to the applicant. Such precaution not being enough, P. and the applicant continued their conversation in the corridor. P. told the applicant that he would start a new criminal case against him, imprison him, and let him languish to death. P. demanded the applicant to withdraw his application from the Court because it had troubled influential officials of the Chuvash Republic.

32. On 26 December 2002, the applicant's car ran into four lorries. The applicant alleges that the accident must have been set up by his persecutors, because the traffic police ignored it.

33. The accident convinced the applicant that the threats were serious. He and his wife went to Moscow, received French tourist visas, and left for Strasbourg to seek political asylum.

34. The applicant had to leave behind his minor daughter, a student, because she had no travel documents. After the applicant's departure, the police threatened to kill the daughter. She would have joined her parents in Strasbourg, but the parents wished her to finish the studies. As soon as the daughter had passed her first-year exams, she received a travel passport and on 13 July 2003 came to Strasbourg.

*2. The Government's account*

35. On an unspecified date, D., the manager of the partnership defrauded by the applicant, requested the police to reinvestigate the applicant's case. He asserted that the investigation had been superficial, and that the applicant had not made good the damage inflicted to the partnership.

36. In December 2002, K. and P., officers of the Economic Crimes' Department of the Ministry of the Interior of the Chuvash Republic, invited the applicant for an interview in connection with D.'s allegation. Since the officers had failed to record D.'s oral application formally, their superiors warned them.

## II. RELEVANT COUNCIL OF EUROPE DOCUMENTS

37. The relevant extracts from the General Reports by the European Committee for the prevention of Torture and Inhuman or Degrading Treatment or Punishment ("the CPT") read as follows:

**Extracts from the 2nd General Report [CPT/Inf (92) 3]**

"46. Overcrowding is an issue of direct relevance to the CPT's mandate. All the services and activities within a prison will be adversely affected if it is required to cater for more prisoners than it was designed to accommodate; the overall quality of life in the establishment will be lowered, perhaps significantly. Moreover, the level of overcrowding in a prison, or in a particular part of it, might be such as to be in itself inhuman or degrading from a physical standpoint.

47. A satisfactory programme of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners... [P]risoners cannot simply be left to languish for weeks, possibly months, locked up in their cells, and this regardless of how good material conditions might be within the cells. The CPT considers that one should aim at ensuring that prisoners in remand establishments are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature...

48. Specific mention should be made of outdoor exercise. The requirement that prisoners be allowed at least one hour of exercise in the open air every day is widely accepted as a basic safeguard... It is also axiomatic that outdoor exercise facilities should be reasonably spacious...

49. Ready access to proper toilet facilities and the maintenance of good standards of hygiene are essential components of a humane environment...

50. The CPT would add that it is particularly concerned when it finds a combination of overcrowding, poor regime activities and inadequate access to toilet/washing facilities in the same establishment. The cumulative effect of such conditions can prove extremely detrimental to prisoners.

51. It is also very important for prisoners to maintain reasonably good contact with the outside world. Above all, a prisoner must be given the means of safeguarding his relationships with his family and close friends. The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations..."

**Extracts from the 7th General Report [CPT/Inf (97) 10]**

"13. As the CPT pointed out in its 2nd General Report, prison overcrowding is an issue of direct relevance to the Committee's mandate (cf. CPT/Inf (92) 3, paragraph 46). An overcrowded prison entails cramped and unhygienic accommodation; a constant lack of privacy (even when performing such basic tasks as using a sanitary facility); reduced out-of-cell activities, due to demand outstripping the staff and facilities available; overburdened health-care services; increased tension and hence more violence between prisoners and between prisoners and staff. This list is far from exhaustive.

The CPT has been led to conclude on more than one occasion that the adverse effects of overcrowding have resulted in inhuman and degrading conditions of detention..."

**Extracts from the 11th General Report [CPT/Inf (2001) 16]**

"28. The phenomenon of prison overcrowding continues to blight penitentiary systems across Europe and seriously undermines attempts to improve conditions of detention. The negative effects of prison overcrowding have already been highlighted in previous General Reports...

29. In a number of countries visited by the CPT, particularly in central and eastern Europe, inmate accommodation often consists of large capacity dormitories which contain all or most of the facilities used by prisoners on a daily basis, such as sleeping and living areas as well as sanitary facilities. The CPT has objections to the very principle of such accommodation arrangements in closed prisons and those objections are reinforced when, as is frequently the case, the dormitories in question are found to hold prisoners under extremely cramped and insalubrious conditions... Large-capacity dormitories inevitably imply a lack of privacy for prisoners in their everyday lives... All these problems are exacerbated when the numbers held go beyond a reasonable occupancy level; further, in such a situation the excessive burden on communal facilities such as washbasins or lavatories and the insufficient ventilation for so many persons will often lead to deplorable conditions.

30. The CPT frequently encounters devices, such as metal shutters, slats, or plates fitted to cell windows, which deprive prisoners of access to natural light and prevent fresh air from entering the accommodation. They are a particularly common feature of establishments holding pre-trial prisoners. The CPT fully accepts that specific security measures designed to prevent the risk of collusion and/or criminal activities may well be required in respect of certain prisoners... [E]ven when such measures are required, they should never involve depriving the prisoners concerned of natural light and fresh air. The latter are basic elements of life which every prisoner is entitled to enjoy..."

# THE LAW

## I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

38. The applicant complained under Article 3 of the Convention about the conditions of his detention in the remand facility IZ-21/2 in Tsivilsk. Article 3 reads as follows:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

### A. Submissions of the parties

#### *1. The Government*

39. The Government rejected this complaint. Relying on their description of the prison, they asserted that the conditions in it were satisfactory. The

conditions complied with hygienic standards of domestic penitentiary law and fell far short of "inhuman treatment", as developed in the Convention case-law. The applicant exaggerated his sufferings. During his stay in the prison the cells were indeed overpopulated, but not as severely as he asserted. In any event, the authorities had no intent to make the applicant suffer.

*2. The applicant*

40. The applicant challenged the Government's account of facts as wholly untrue. He stated that the Government had maliciously falsified the reports on the conditions in the prison. The reports were invalid since they bore no reference numbers or dates of issue. Only the applicant's description of the prison was accurate. He had no criminal case to answer and, in any event, was to be released under the amnesty law. Hence, the authorities imprisoned him purely out of the wish to torment him.

### B. The Court's assessment

41. As the Court has held on many occasions, Article 3 of the Convention enshrines one of the most fundamental values of democratic society. It prohibits in absolute terms torture or inhuman or degrading treatment or punishment, irrespective of the circumstances and the victim's behaviour (see *Labita v. Italy* [GC], no. 26772/95, § 119, ECHR 2000-IV). However, to fall under Article 3 of the Convention, ill-treatment must attain a minimum level of severity. The assessment of this minimum level of severity is relative; it depends on all the circumstances of the case, such as the duration of the treatment, its physical and mental effects and, in some cases, the sex, age and state of health of the victim (see *Valašinas v. Lithuania*, no. 44558/98, §§ 100–101, ECHR 2001-VIII).

42. The Court has consistently stressed that the suffering and humiliation involved must in any event go beyond the inevitable element of suffering or humiliation connected with a given form of legitimate treatment or punishment. Under this provision the State must ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured (see *Valašinas*, cited above, § 102). When assessing conditions of detention, one must consider their cumulative effects as well as the applicant's specific allegations (see *Dougoz v. Greece*, no. 40907/98, § 46, ECHR 2001-II).

43. The Court notes that in the present case the parties have disputed the actual conditions of the applicant's detention at facility no. IZ-21/2 in Tsivilsk. However, in the present case the Court does not consider it necessary to establish the truthfulness of each and every allegation of the parties, because it may find a violation of Article 3 on the basis of the facts that have been

presented or undisputed by the respondent Government, for the following reasons.

44. The main characteristic, which the parties have in principle agreed upon, is the applicant's allegation that the cells were overpopulated. From the facts as set out above it follows that during the 35 days the applicant was detained at the remand facility he was afforded less than 1 m² of personal space and shared a sleeping place with other inmates taking turns with them to get a rest. Save for one hour of daily outside exercise, the applicant was confined to his cell for 23 hours a day. In these circumstances, the extreme lack of space weighs heavily as an aspect to be taken into account for the purpose of establishing whether the impugned detention conditions were "degrading" from the point of view of Article 3.

45. In this connection the Court recalls that in the *Peers* case even a much bigger cell – namely that of 7 m² for two inmates – was noted as a relevant aspect for finding a violation of Article 3, albeit in that case the space factor was coupled with the established lack of ventilation and lighting (see *Peers v. Greece*, no. 28524/95, §§ 70–72, ECHR 2001-III). The applicant's situation was also comparable with that in the *Kalashnikov* case, where the applicant had been confined to a space measuring less than 2 m². In that case the Court held that such a degree of overcrowding raised in itself an issue under Article 3 of the Convention (see *Kalashnikov v. Russia*, no. 47095/99, §§ 96–97, ECHR 2002-VI). By contrast, in some other cases no violation of Article 3 was found, as the restricted space in the sleeping facilities was compensated by the freedom of movement enjoyed by the detainees during the day-time (see *Valašinas*, cited above, §§ 103, 107; *Nurmagomedov v. Russia* (dec.), no. 30138/02, 16 September 2004).

46. Hence, as in those cases, the Court considers the extreme lack of space to be the focal point for its analysis of compatibility of the conditions of the applicant's detention with Article 3. The fact that the applicant was obliged to live, sleep, and use the toilet in the same cell with so many other inmates was itself sufficient to cause distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention, and arouse in him the feelings of fear, anguish and inferiority capable of humiliating and debasing him (see *Peers* and *Kalashnikov*, cited above; see also the CPT's 11th General Report [CPT/Inf (2001) 16], § 29).

47. Furthermore, while in the present case it cannot be established "beyond reasonable doubt" that the ventilation, heating, lighting or sanitary conditions in the facility were unacceptable from the point of view of Article 3, the Court nonetheless recalls that the applicant's health conditions were such that extensive medical treatment was required. This aspect, while not in itself capable of justifying the notion of "degrading" treatment, is relevant in addition to the focal factor of the severe overcrowding, to show that the applicant's detention conditions went beyond the threshold tolerated by Article 3 of the Convention.

48. Finally, as regards the Government's submissions that the authorities had no intention to make the applicant suffer, the Court reiterates that, although the question whether the purpose of the treatment was to humiliate or debase the victim is a factor to be taken into account, the absence of any such purpose cannot exclude a finding of violation of Article 3 (see *Peers*, cited above; *Kalashnikov*, cited above, § 101).

49. The Court therefore finds that there has been a violation of Article 3 of the Convention.

## II. ALLEGED VIOLATION OF ARTICLE 34 OF THE CONVENTION

50. The applicant also complained that the police compelled him to withdraw his application from the Court. The Court examined this complaint under Article 34 which reads as follows:

> "The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right."

### A. Submissions of the parties

#### *1. The Government*

51. The Government rejected this complaint. They asserted that P. and K. had interviewed the applicant only in connection with the criminal investigation initiated on D.'s request. The interview had nothing to do with the application to the Court.

#### *2. The applicant*

52. The applicant insisted that the aim of the interview was to intimidate him. He doubted that D. had applied to the police at all, since he could not have any reasonable claim against the applicant. The applicant left Russia only because he was afraid for his life.

### B. The Court's assessment

53. The system of individual petition under Article 34 of the Convention will operate effectively only if applicants or potential applicants can communicate with the Court freely, without experiencing any pressure from the authorities to withdraw or modify their complaints (see *Akdivar and Others v. Turkey*, no. 21893/93, § 105, ECHR 1996-IV).

54. The parties agree that the interview between the applicant and the officers did take place. Still, there is no evidence – apart from the applicant's

own words – that the purpose of the interview was to compel the applicant to withdraw his case from the Court.

55. The Court finds no indication that the applicant has been hindered in the effective exercise of his right of individual petition under Article 34 of the Convention. There has, accordingly, been no violation of that Article.

## III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

56. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

### A. Non-pecuniary damage

57. The applicant claimed that the poor conditions of his detention and his having to leave Russia caused him non-pecuniary damage of 100,000 euros ("EUR"). He also claimed that his imprisonment aggravated his illness and had provoked a heart attack. He claimed a further EUR 10,000,000 in this respect.

58. The Government rejected these claims because, in their opinion, the applicant's rights under Articles 3 and 34 of the Convention had not been breached. The Government considered that these claims were in any event excessive. The Government argued that the applicant had never had a heart attack in prison. He suffered of a coronary heart disease acquired in 1998, long before the imprisonment.

59. The Court has no evidence that the applicant indeed had a heart attack in prison. Nevertheless, the Court accepts that the conditions of his imprisonment must have subjected him to distress and hardship which cannot be compensated solely by the finding of a violation. Deciding equitably, and taking into consideration in particular the relatively short period of detention, the Court awards the applicant EUR 2,000 in respect of non-pecuniary damage, plus any tax that may be chargeable on that amount.

### B. Pecuniary damage

60. The applicant claimed that he had to leave in Russia five unfinished houses worth EUR 791,650. He asserted that he was afraid for his life and could not return to Russia, hence, the houses were as good as lost. The applicant asked the Court to recover the cost of the houses by way of pecuniary damage.

61. The Government agued that the houses belonged not to the applicant, but to his former business partners.

62. The Court has no evidence that the houses indeed belong to the applicant. Even if they do, nothing suggests that the applicant has been deprived of them. Accordingly, the Court makes no award under this head.

### C. Default interest

63. The Court considers that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

## FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Holds* that there has been a violation of Article 3 of the Convention;

2. *Holds* that there has been no violation of Article 34 of the Convention;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final according to Article 44 § 2 of the Convention, EUR 2,000 (two thousand euros) in respect of non-pecuniary damage, to be converted into the national currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable on that amount;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 16 June 2005, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren NIELSEN
Registrar

Christos ROZAKIS
President