



Judgments of 7 April 2015

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

four Chamber judgments are summarised below; for one other, *Cestaro v. Italy* (application no. 6884/11), a separate press release has been issued;

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

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

Veretco v. the Republic of Moldova (application no. 679/13)

The applicant, Fiodor Veretco, is a Moldovan national who was born in 1963 and lives in Seliște (the Republic of Moldova). His case concerned the lawfulness of his detention and his access to medical treatment whilst in detention.

Mr Veretco was arrested in 2012, charged with child trafficking and detained. At the Prosecutor's request he spent approximately two months in custody based on an assessment of the risk of him absconding, interfering with the investigation or reoffending. Mr Veretco and his lawyer objected to this decision but their request to see any evidence or documents supporting the prosecutor's request was denied. Mr Veretco also submitted medical records to the domestic courts explaining that he needed hospitalisation for pre-existing broken ribs and pneumonia, this requirement was confirmed by a doctor. However Mr Veretco claimed that he received no medical treatment whilst he was in detention. This claim was disputed by the Government, which alleged that he did not complain about his health or request medical assistance whilst he was in custody.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) and on Article 5 §§ 4, and 5 (right to liberty and security / right to have lawfulness of detention decided speedily by a court / right to compensation) of the European Convention on Human Rights, Mr Veretco complained in particular that he had not received adequate medical care whilst in detention and that, contrary to domestic law, he had not been able to examine the evidence used to support the Prosecutor's request to detain him which had served as the basis for justifying his detention.

Violation of Article 3 (inhuman and degrading treatment)

Violation of Article 5 § 4

Violation of Article 5 § 5

Just satisfaction: 9,800 euros (EUR) (non-pecuniary damage), and EUR 650 (costs and expenses)

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: www.coe.int/t/dghl/monitoring/execution

Adrian Radu v. Romania (no. 26089/13)*

The applicant, Adrian Radu, is a Romanian national who was born in 1971 and is currently imprisoned in Jilava prison.

The case concerned the conditions of Mr Radu's detention in Giurgiu prison where he had been held from 21 January 2009, before being recently transferred to Jilava.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Radu complained about the material conditions of his detention, in particular the lack of sufficient space, overcrowding in the prison, and a lack of food and drinking water.

Violation of Article 3 – on account of prison overcrowding

Just satisfaction: EUR 10,000 (non-pecuniary damage)

Raguž v. Serbia (no. 8182/07)

The applicant, Vinko Raguž, is a Croatian national who was born in 1940 and lives in Dubrovnik (Croatia). His case concerned the difficulties he had encountered in enforcing a judgment concerning the repayment of a debt owed to him.

In 2003 the Municipal Court in Gornji Milanovac ordered a debtor to pay a sum of money, including interest, to Mr Raguž. Later that same year the Court ordered the seizure and sale of the debtor's assets in order to enforce the judgment. Three attempts to seize assets failed, and in 2007 the Municipal Court stayed proceedings because the debtor had died. Mr Raguž then tried to persuade that Court to enforce the judgment by seizure and sale of the debtor's estate but this request was eventually rejected in 2009.

Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property) Mr Raguž complained about the non-enforcement of the judgment in his favour.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 1,500 (non-pecuniary damage)

O'Donnell v. the United Kingdom (no. 16667/10)

The applicant, Matthew O'Donnell, is an Irish national who was born in 1980. He is currently detained at HMP Maghaberry (Northern Ireland, UK).

Mr O'Donnell is serving a sentence of life imprisonment for a murder committed in 2004. Mr O'Donnell's I.Q. places him amongst the bottom 1% of the population and his understanding of spoken English is equivalent to that of a six year old child. Witnesses provided evidence that Mr O'Donnell had spent most of the day before the murder drinking with the victim and another man, Samuel Houston. Following the murder the police found two sets of blood stained clothes and a knife in the flat where Mr O'Donnell was staying at the time. Mr Houston admitted to the killing and was sentenced. Mr O'Donnell was arrested in the Republic of Ireland, interviewed by Irish police officers about the murder and extradited to Northern Ireland in 2007. During his trial and at the request of the defence lawyer, the videotapes of the interviews conducted by the Irish police were excluded from evidence. The defence asked the judge to rule that it was undesirable for Mr O'Donnell to give evidence because of his mental condition. The judge refused, stating that he could manage the process in such a way that no unfairness would result and that he would tell the jury that they could draw an adverse inference if Mr O'Donnell did not give evidence. Mr O'Donnell decided not to testify although a clinical psychologist was permitted to give evidence to the jury as to his vulnerability and the difficulties he would have faced if he had testified. However, the

psychologist was not allowed to share conclusions he had drawn from watching the videotaped interviews as these had been excluded from the evidence. Mr O'Donnell was convicted by the jury and his requests for an appeal have been dismissed.

Relying on Article 6 § 1 (right to a fair trial), Mr O'Donnell complained that his trial had been unfair because the judge had not allowed the clinical psychologist to share his observations on the videotaped interviews and because of the judge's direction to the jury about drawing adverse inferences from his decision not to give evidence without regard to whether there was a case to answer.

No 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.