



## Judgments and decisions of 2 July 2015

The European Court of Human Rights has today notified in writing one judgment<sup>1</sup> and 22 decisions<sup>2</sup>: one Chamber judgment and one decision on the admissibility are summarised below; the remaining 21 decisions can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgment and decision below are available only in English.*

### Tagayeva and Others v. Russia (applications nos. 26562/07, 14755/08, 49339/08, 49380/08, 51313/08, 21294/11, and 37096/11)

The case originates in seven applications, brought by 447 Russian nationals.

It concerns the terrorist attack on a school in Beslan, North Ossetia (Russia), in September 2004, and the ensuing hostage-taking, siege and storming of the school, which resulted in the deaths of over 330 civilians, including over 180 children, and injuries to over 750 persons. Some of the applicants were taken hostage and/or injured; others are family members of those taken hostage, killed or injured.

Relying on Article 2 (right to life), the applicants maintain, in particular: that the State has failed in its obligation to protect the victims from the known risk to their lives; that there was no effective investigation into the events; and that many aspects of the planning and control of the negotiations and rescue operation were deficient. Some applicants maintain that the deaths were the result of a disproportionate use of force by the authorities. Some applicants further allege violations of Articles 3 (prohibition of inhuman or degrading treatment), 6 (right to a fair trial), 8 (right to respect for private and family life), 10 (freedom of expression) and 13 (right to an effective remedy).

The seven applications were lodged with the European Court of Human Rights between June 2007 and May 2011. The case was [communicated](#) to the Russian Government for observations on 10 April 2012. A Chamber [hearing](#) was heard on the case in Strasbourg on 14 October 2014.

In its decision made public today, the Court:

- **struck four persons out of its list of applicants;**
- **declared inadmissible the applications lodged by 51 applicants under Articles 2 and 13** of the Convention;
- **declared admissible, without prejudging the merits, the remaining applicants' complaints under Article 2 (substantive and procedural obligations) and Article 13** of the Convention; a judgment on these admissible complaints will be delivered at a later stage; and
- **declared inadmissible certain applicants' complaints under Articles 3, 6, 8, and 10** of the Convention.

<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.

## Eftimov v. “The former Yugoslav Republic of Macedonia’ (no. 59974/08)

The applicant, Epaminonda Eftimov, is a Macedonian national who was born in 1950 and lives in Strumica (‘the former Yugoslav Republic of Macedonia’).

A doctor, Mr Eftimov complains about criminal proceedings brought against him for aggravated medical malpractice.

In September 1997 an investigation against Mr Eftimov was opened into his treatment of a child who, having been cared for at his hospital for a broken and injured arm, subsequently had to have his right hand amputated on account of a serious bacterial infection. Ultimately, the Supreme Court, deciding at a session held in March 2008 in the presence of the public prosecutor, found Mr Eftimov guilty of intentional aggravated medical malpractice and sentenced him to one year’s imprisonment. This judgment was served on Mr Eftimov’s lawyer in June 2008.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Mr Eftimov alleged that the criminal proceedings against him had been unfair, as he had not been able to attend the Supreme Court’s session which had resulted in his conviction and sentencing, and had lasted an excessive length of time, namely more than ten years at three levels of jurisdiction.

**Violation of Article 6 § 1** – on account of the excessive length of the proceedings

**Violation of Article 6 § 1** – on account of the lack of equality of arms in the proceedings before the Supreme Court

**Just satisfaction:** 3,900 euros (EUR) (non-pecuniary damage) and EUR 1,000 (costs and expenses)

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### Press contacts

[echrp@echr.coe.int](mailto:echrp@echr.coe.int) | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

Nina Salomon (tel: + 33 3 90 21 49 79)

Denis Lambert (tel: + 33 3 90 21 41 09)

**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.