



Judgments and decisions of 10 November 2015

The European Court of Human Rights has today notified in writing six judgments¹ and one decision²: five Chamber judgments are summarised below;

one decision, in the case of *M'Bala M'Bala v. France* (application no. 25239/13), is summarised in a separate press release;

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

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

Sahakyan v. Armenia (application no. 66256/11)

The applicant, Hayk Sahakyan, is an Armenian national who was born in 1983 and lives in Yerevan. The case concerned the right to compensation following unlawful detention.

On 30 August 2007 Mr Sahakyan was arrested for intentional infliction of a grave injury and on 1 September 2007 his pre-trial detention was ordered by a court. On 28 September 2007 the same court released Mr Sahakyan on bail. However, on 4 October 2007 the investigator, relying on the 1 September 2007 decision, decided to cancel bail and to detain Mr Sahakyan again. Mr Sahakyan appealed and on 22 October 2007 the court quashed the investigator's decision finding that he had exceeded his authority and that Mr Sahakyan's detention from 4 to 22 October 2007 had been unlawful. Mr Sahakyan was ultimately acquitted in December 2007.

In April 2009 Mr Sahakyan instituted civil proceedings and was awarded compensation for pecuniary damage. His claim for non-pecuniary damage was dismissed on the basis that Armenian law did not provide for this type of compensation. An appeal on points of law to the Court of Cassation was dismissed in July 2011.

Relying in particular on Article 5 § 5 (right to compensation) of the European Convention on Human Rights, Mr Sahakyan complained that he had been denied compensation for non-pecuniary damage suffered as a result of his unlawful detention as Armenian law had not provided for an enforceable right to such compensation.

Violation of Article 5 § 5

Just satisfaction: 3,000 euros (EUR) (non-pecuniary damage)

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

² Inadmissibility and strike-out decisions are final.

Slavov and Others v. Bulgaria (no. 58500/10)*

The applicants, Daniel Petkov Slavov, his wife Maira Plamenova Nenkova and their two minor sons Daniel and Plamen Danielovi Slavovi are Bulgarian nationals who were born in 1968, 1979, 2003 and 2006 respectively and live in Varna.

The case concerned a police operation at the home of Mr Slavov, a well-known businessman in Varna, who was arrested and whose house was searched.

On 30 October 2009 the public prosecutor of Sofia brought criminal proceedings against a person unknown for abuse of authority and embezzlement of public funds causing a serious prejudice to the municipal public transport corporation in Varna. In the context of that investigation, on 31 March 2010 at 6 a.m., a team of police officers entered Mr Slavov's family home and arrested him, in addition to carrying out searches of his house. The operation received wide media coverage.

Relying in particular on Articles 3 (prohibition of inhuman or degrading treatment), 6 § 2 (presumption of innocence), 8 (right to respect for one's home and for private and family life) and 13 (right to an effective remedy) of the European Convention, Mr Slavov and the members of his family complained about a number of violations of their rights.

Violation of Article 3 (degrading treatment) – in respect of all four applicant

Violation of Article 6 § 2 – in respect of Daniel Slavov, on account of the comments made by the Interior Minister

Violation of Article 6 § 2 – in respect of Daniel Slavov, on account of the reasoning for the decision by the Varna Regional Court of 18 May 2010

No violation of Article 6 § 2 – in respect of Daniel Slavov, on account of the statements made by the regional prosecutor and the reasoning for the decision by the Varna Regional Court of 3 April 2010

Violation of Article 8 (right to respect for home) – in respect of all four applicant

Violation of Article 13 taken together with Articles 3 and 8 – in respect of all four applicant

Just satisfaction: EUR 40,000 (non-pecuniary damage) and EUR 4,000 (costs and expenses) to the four applicants jointly

Çamlar v. Turkey (no. 28226/04)

The applicant, Adnan Levent Çamlar, is a Turkish national who was born in 1965 and lives in London. The case concerned his allegation that the trial in Turkey resulting in his conviction for drug trafficking had been unfair.

In April 1997 Mr Çamlar was arrested in London on suspicion of drug trafficking. He was found not guilty by the UK courts in September 1998.

In June 1997, Mr Çamlar was indicted in Turkey for the same offence. A number of hearings took place in his absence in the Izmir State Security Court. Mr Çamlar returned to Turkey and at a hearing in September 1999 he denied his involvement in the offence and contested incriminating statements made in his absence. His request to have certain witnesses heard on his behalf was denied. In March 2003, Mr Çamlar was found guilty and sentenced to 24 years' imprisonment. Mr Çamlar appealed this judgment arguing that his conviction had been based on unchallenged evidence. The Court of Cassation upheld his conviction in March 2004.

In June 2005, Mr Çamlar requested a review of his case and in December 2005 the court reduced his sentence. The Court of Cassation, however, subsequently quashed this judgment, holding that the first-instance court should hold a hearing. Following several hearings before the Izmir Assize Court, held in Mr Çamlar's absence as he had in the meantime returned to the United Kingdom, he was sentenced to 20 years and 10 months' imprisonment. The Court of Cassation upheld this judgment in April 2009.

Relying in particular on Article 6 § 1 (right to a fair trial), Mr Çamlar notably complained about the lack of independence and impartiality of the Izmir State Security Court – which had a military judge sitting on the bench.

Violation of Article 6 § 1 – on account of the lack of independence and impartiality of the Izmir State Security Court

Just satisfaction: EUR 6,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Hakim İpek v. Turkey (no. 47532/09)*

The applicant, Hakim İpek, was born in 1962 and lives in Diyarbakır (Turkey).

The case concerned the wounding of Mr İpek by gunfire during violent clashes between demonstrators and police and the failure to identify the perpetrators.

Mr İpek filed a complaint with the public prosecutor, alleging that two police officers had fired at him. The public prosecutor discontinued the proceedings finding that there was no evidence, and in particular no video-recordings, to show that the security forces had been involved in the contested acts. On an appeal by Mr İpek, the Siverek Assize Court ordered an additional investigation and came to the same conclusion.

Relying in substance on Article 2 (right to life), the applicant alleged that he had been wounded by police officers and that the authorities had not carried out an effective investigation into the incident.

Violation of Article 2 (investigation)

No violation of Article 2 (right to life)

Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Şakir Kaçmaz v. Turkey (no. 8077/08)

The applicant, Şakir Kaçmaz, is a Turkish national who was born in 1973 and is currently serving a sentence of life imprisonment in Tokat Prison (Turkey) for his involvement in the activities of *Hizbullah*, an illegal organisation. The case concerned his allegations of ill-treatment by police officers and the alleged lack of an effective investigation into those allegations.

On 30 September 2001, Mr Kaçmaz was arrested on suspicion of being a member of *Hizbullah*. He was held in police custody until 18 October 2001 when he was transferred to prison on remand. He was convicted and sentenced to life imprisonment by the Van Assize Court on 11 May 2006.

Mr Kaçmaz was seen by doctors following his arrest who noted some facial injury. On 10 October 2001 a hospital specialist reported some hearing loss and diagnosed membrane perforation in his left ear concluding that this could have occurred as a result of trauma. In December 2001 Mr Kaçmaz complained to the prosecutor alleging that he had been assaulted on arrest and while in custody. He claimed in particular that he had been stripped naked, blindfolded, beaten, threatened, strangled, subjected to electroshocks and to suspension by his arms, hosed with pressurised water and had his testicles squeezed. Between 2004 and 2008 Mr Kaçmaz lodged further petitions and requested information and updates on the investigation. In October 2009, the public prosecutor decided to close the investigation finding that Mr Kaçmaz's injuries had been sustained as a result of lawful force used to arrest him and that there was no evidence to support his allegation that he had been subjected to ill-treatment. Mr Kaçmaz lodged an objection which was dismissed by the court in March 2010.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Kaçmaz alleged in particular that he had been ill-treated during his arrest and then in police custody and, furthermore,

that his allegations had not been examined thoroughly and promptly. In particular, he complained that he had not been given a medical examination in relation to the allegation of electroshocks and that the authorities had not obtained statements from the police officers concerned.

Violation of Article 3 (ill-treatment) – regarding the force used against the applicant during his arrest

No violation of Article 3 (treatment) – regarding the allegations of ill-treatment during the applicant's detention in police custody

Violation of Article 3 (investigation)

Just satisfaction: EUR 19,500 (non-pecuniary damage)

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_Press](https://twitter.com/ECHR_Press).

Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

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

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

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

Inci Ertekin (tel: + 33 3 90 21 55 30)

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.