EUROPEAN COURT OF HUMAN RIGHTS

415
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Press release issued by the Registrar

Chamber judgments concerning
Bulgaria, Croatia, Germany, Greece, Russia Turkey and Ukraine

The European Court of Human Rights has today notified in writing the following 39 Chamber judgments of which only the friendly-settlement judgment is final[1].

Repetitive cases[2] and length-of-proceedings cases, with the Court's main finding indicated, can also be found at the end of the press release.

Violation of Article 8
Violation of Article 13
Violation of Article 5 §§ 2 and 4

Bashir and Others v. Bulgaria (application no. 65028/01)

Violation of Article 8
Hasan v. Bulgaria (no. 54323/00) ***Violation of Article 13***

The applicants are Nizar Hamdo Hasan, a Syrian national who was born in 1950 and lives in Damascus (Syria), and Shamsul Zaman Bashir, his wife Marinela Nencheva Genova-Bashir and their son Milen Shamsul Zaman Bashir. Shamsul Zaman Bashir is a Pakistani national who was born in 1969 and is now living in Gujranwala, Pakistan. Marinela Nencheva Genova-Bashir and Milen Shamsul Zaman Bashir are both Bulgarian nationals. They were born in 1966 and 1996 respectively and live in Sofia.

In the ***Hasan*** case the applicant complained of the withdrawal of his residence permit in July 1999; in the ***Bashir and Others*** case the applicants complained of the withdrawal of Mr Bashir's residence permit, his deportation and an order excluding him from Bulgarian territory.

They relied on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the European Convention on Human Rights. In the ***Bashir and Others*** case the applicants further relied on Article 5 (right to liberty and security).

In the ***Hasan*** case the European Court of Human Rights noted that at the time when his permanent resident's card was withdrawn, Mr Hasan had lived and worked for nine years in

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[1] Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

[2] In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

Bulgaria, where he was legally settled; he was married to a Bulgarian national and their marriage appeared to have been stable, at least before he left the country in October 1999. That being so, the Court considered that the measure taken against him constituted interference with his right to respect for his private and family life.

In the ***Bashir and Others*** case the Court noted that at the time when his residence permit was withdrawn in 2000 Mr Bashir had lived for eight years in Bulgaria, where he was legally settled; he ran a business there and had been married since 1995 to a Bulgarian national, with whom he had had a son. That being so, the Court considered that the withdrawal of Mr Bashir's residence permit, his deportation and an order excluding him from Bulgarian territory constituted interference with the applicants' right to respect for their private and family life.

The Court noted that in each case the applicant's residence permit had been withdrawn pursuant to a decree which mentioned only the provisions of the Aliens Act, but gave no information about the factual basis on which the decision was grounded. In addition, it was expressly mentioned that no appeal lay against the decisions concerned. It noted, as it had done previously in similar cases, that the interference complained of had not been "in accordance with the law" within the meaning of Article 8 § 2, and held unanimously that there had been a violation of that provision and of Article 13.

In the ***Bashir and Others*** case the Court further held unanimously that there had been a violation of Article 5 §§ 2 and 4.

The Court awarded Mr Hasan 3,000 euros (EUR) for non-pecuniary damage. In the ***Bashir and Others*** case the Court awarded the applicants jointly EUR 6,000 for pecuniary and non-pecuniary damage and EUR 1,500 for costs and expenses. (The judgments are available only in French.)

Kehaya and Others v. Bulgaria (nos. 47797/99 and 68698/01) ***Just satisfaction***
The applicants are 15 Bulgarian nationals who live in Sarnitza (Bulgaria). They are the heirs of Fatma Bozova, who owned land in the vicinity of Sarnitza until the collectivisation of agricultural land in the 1950s. A judgment of 1996 restored the land to them but, in October 2000, the Supreme Court of Cassation reconsidered the dispute despite the final nature of the 1996 judgment.

In a judgment of 12 January 2006, the Court held that there had been violations of Article 6 § 1 (right to a fair trial) and 1 of Protocol No. 1 (protection of property). In particular, by depriving the 1996 judgment of any legal effect, the authorities had breached the principle of legal certainty inherent in Article 6 § 1 and had unlawfully deprived the applicants of their property contrary to Article 1 of Protocol No. 1. The Court considered that the question of just satisfaction was not ready for decision.

In its judgment today, the Court held unanimously that Bulgaria was to return ownership to the applicants of their part of land and, failing such restitution, to pay them, in total, EUR 79,200 for pecuniary damage. Furthermore, Mr Kehaya was awarded EUR 2,000 and each of the remaining 14 applicants EUR 1,500 for non-pecuniary damage. Lastly, EUR 500 was awarded, jointly, to all applicants, for costs and expenses. (The judgment is available only in English.)

Just satisfaction

Kirilova and Others v. Bulgaria (nos. 42908/98, 44038/98, 44816/98 and 7319/02)
The applicants are seven Bulgarian nationals. Daniela Evgenieva Kirilova died in 2001; the other applicants live in Sofia, Brunn am Gebirge and Kaltenleutgeben (Austria).

In a judgment delivered on 9 June 2005, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) and that it was not necessary to examine separately the complaint under Article 13 (right to an effective remedy). The Court considered that the question of just satisfaction was not ready for decision.

In its judgment today, the Court held unanimously that Bulgaria was to give to two of the applicants, namely Mr Ilchev and Ms Metodieva, the flats due to them, or their equivalent. Failing such delivery, the Government was to pay EUR 82,051 to Mr Ilchev and EUR 7,179 to Ms Metodieva. The applicants were awarded sums ranging from EUR 1,500 to EUR 9,000 for pecuniary damage and from EUR 2,000 to EUR 4,000 for non-pecuniary damage. (The judgment is available only in English.)

Violation of Article 5 §§ 3 and 4
Nikola Nikolov v. Bulgaria (no. 68079/01) ***No Violation of Article 6 § 1***
The applicant, Nikola Tsenov Nikolov, is a Bulgarian national who was born in 1948. He is at present detained in Sofia.

In 1989 the applicant was sentenced to ten years' imprisonment for attempting to kill his mother, whom he had stabbed repeatedly. When his mother appealed on his behalf he was granted a presidential pardon in January 1995. In May 1995 he was arrested at his home on suspicion of having thrown his mother out of the window of his sixth-floor flat. In November 2000 he was found guilty of aggravated murder and sentenced to life imprisonment.

The applicant alleged infringements of his right to trial within a reasonable time or to release pending trial and his right to take proceedings to challenge the lawfulness of his detention. He further complained of the length of the criminal proceedings against him. He relied on Articles 5 (right to liberty and security) and 6 § 1 (right to a fair trial within a reasonable time).

The Court held unanimously that there had been a violation of Article 5 § 3 on account of the length of the applicant's pre-trial detention, namely five years and five months, and a violation of Article 5 § 4, since the Sofia District Court had not examined the applicant's appeals against his detention. Lastly, the Court held that there had been no violation of Article 6 § 1 on account of the length of the proceedings against the applicant (six years and ten months). It awarded him EUR 2,000 for non-pecuniary damage. (The judgment is available only in French.)

Novak v. Croatia (no. 8883/04) ***No violation of Article 3***
The applicant, Boris Novak, is a Croatian national who was born in 1968 and lives in Ludbreg (Croatia).

The case concerned Mr Novak's complaint, following his conviction in February 2003 for fraud, about the conditions of his detention in the Lepoglava and Varaždin Prisons. He complained in particular that, while he was in Varaždin Prison, there had been a lack of adequate medical treatment for his psychiatric condition, post-traumatic stress disorder.

He relied, in particular, on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for correspondence).

Given that Mr Novak had been detained for a relatively short period (four months and 18 days) in Varaždin Prison and that he had not complained about the general living conditions there or provided any documentation to prove that those conditions had led to a deterioration of his mental health, the Court held unanimously that there had been no violation of Article 3 regarding the complaint about Varaždin Prison. The remainder of the application was declared inadmissible. (The judgment is available only in English.)

Violation of Article 6 § 1 (length)
Gorou v. Greece (No. 2) (no. 12686/03) ***No Violation of Article 6 § 1 (fairness)***
The applicant, Anthi Gorou, is a Greek national who was born in 1957 and lives in Brussels. She is a civil servant in the employ of the Ministry of Education. In 1998 she lodged a complaint and a civil claim against her hierarchical superior, alleging perjury and defamation.

The applicant complained that insufficient reasons had been given for the decision by means of which the public prosecutor had rejected her application for leave to appeal on points of law in September 2002. In addition, she complained of the length of the proceedings. She relied on Article 6 § 1 (right to a fair trial).

The Court held by four votes to three that there had been no violation of Article 6 § 1 as regards the allegation that the proceedings had been unfair, and unanimously that there had been a violation of Article 6 § 1 as regards the length of the proceedings, namely more than four years and three months at one level of jurisdiction. The Court awarded the applicant EUR 4,000 for non-pecuniary damage and EUR 2,300 for costs and expenses. (The judgment is available only in French.)

Cahit Solmaz v. Turkey (no. 34623/03) ***Violation of Article 5 §§ 3 and 5***
The applicant, Cahit Solmaz, is a Turkish national who was born in 1979 and lives in Istanbul.

In October 1995 the applicant, then aged 16, was arrested and taken into police custody on suspicion of belonging to the DHKP-C (*Devrimci Halk Kurtuluş Partisi/Cephesi – the Revolutionary People's Liberation Party/Front*), an illegal armed organisation, and of participating in illegal acts on behalf of that organisation.

He complained of the length of his detention pending trial (namely six years, five months and 22 days) and the impossibility under Turkish law of obtaining reparation for that unreasonable length. He relied on Article 5 (right to liberty and security).

The Court held unanimously that there had been a violation of Article 5 §§ 3 and 5 and awarded the applicant EUR 10,000 for non-pecuniary damage and EUR 2,000 for costs and expenses, less EUR 850 previously received from the Council of Europe in legal aid. (The judgment is available only in French.)

Violation of Article 10
Mehmet Çolak v. Turkey (no. 38323/02) ***Violation of Article 13***

Violation of Article 10

Mehmet Okçuoğlu v. Turkey (no. 48098/99)
Saygılı and Seyman v. Turkey (no. 62677/00)
The applicants are all Turkish nationals: Mehmet Çolak was born in 1979 and lives in Istanbul; Mehmet Selim Okçuoğlu was born in 1964 and lives in Hamburg (Germany); Fevzi Saygılı and Tuncay Seyman were born in 1966 and 1975 respectively and live in Istanbul.

Mr Çolak is the editor of the daily newspaper *Yeniden Özgür Gündem*, whose importation and distribution in the provinces subject to emergency rule (Diyarbakır and Şırnak) were banned by the office of the governor of the state-of-emergency region (*OHAL Valiliği*) in September 2002.

Mr Okçuoğlu wrote in January 1997 an article entitled "Our leaders on trial" (*Yöneticilerimiz Hakkında Sürdürülen Dava Üzerine*) in the bulletin of the political party *HADEP* (People's Democracy Party) of which he was a member. In September 1998 a national security court sentenced him to one year's imprisonment and a heavy fine on the grounds that he had disseminated propaganda against the indivisibility of the State and incited the people to practise discrimination based on race and allegiance to a region.

Mr Seyman and Mr Saygılı were formerly the editor and owner respectively of the newspaper *Yeni Evrensel* (The New Universal), which published in June 1999 an article entitled "*Kürt Sorunu ya da Tam Hak Eşitliği Mücadelesi*" (The Kurdish question, or the struggle for equality). In February 2000 a national security court found Mr Seyman guilty of "inciting the people to hatred and hostility on the basis of a distinction based on allegiance to a social class, a race and a region", ordered him to pay a fine and closed down the newspaper for ten days.

In these three cases the applicants relied on Article 10 (freedom of expression). Mr Çolak also relied on Article 13 (right to an effective remedy). Mr Okçuoğlu and Mr Seyman also relied on Article 6 § 1 (right to a fair trial).

The Court held unanimously that there had been violations of Article 10 in all three cases. It further held that there had been a violation of Article 13 in the ***Mehmet Çolak*** case and that it was not necessary to rule separately on the complaint under Article 6 § 1 in the ***Mehmet Okçuoğlu*** case, a complaint which it declared inadmissible in the ***Saygılı and Seyman*** case.

The Court awarded Mr Çolak EUR 2,000 for non-pecuniary damage and EUR 1,250 for costs and expenses. As Mr Okçuoğlu had not submitted any claim for just satisfaction, the Court considered that there was no reason to award him any sum on that account. Lastly, in the ***Saygılı and Seyman*** case, the Court awarded the applicants jointly EUR 1,000 for non-pecuniary damage and EUR 1,000 for costs and expenses. (The judgments are available only in French.)

Mörel v. Turkey (no. 33663/02) ***Violation of Article 1 of Protocol No. 1***
The applicant, Rekan Mörel, is a Turkish national who was born in 1944 and lives in Istanbul.

The case concerned Mr Mörel's complaint about the expropriation of his property by the Turkish authorities without prior notification and the unfairness of the subsequent proceedings.

He relied on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

The Court held unanimously that Mr Mörel had been deprived of his property without adequate compensation and that there had therefore been a violation of Article 1 of Protocol No. 1. It further held unanimously that there was no need to examine the complaint under Article 6 separately and that the finding of a violation constituted in itself sufficient just satisfaction for non-pecuniary damage. The applicant was awarded EUR 30,400 for pecuniary damage and EUR 4,000 for costs and expenses. (The judgment is available only in English.)

No violation of Article 3
Mücahit and Rıdvan Karataş v. Turkey (no. 39825/98) ***No violation of Article 13***
The applicants, Mücahit Karataş and his brother Rıdvan Karataş, are Turkish nationals who were born in 1978 and 1974, respectively. At the relevant time they were living in Antalya (Turkey).

In April 1997 Mücahit Karataş was arrested on suspicion of belonging to the PKK (Workers' Party of Kurdistan) in possession of false papers, in the café belonging to his brother Rıdvan. According to the arrest report, the applicants, in attempting to escape, collided with the chairs and tables in the café and fell on the floor before the gendarmes pinned them down.

On 4 May 1997 the applicants were examined by a doctor who noted that Rıdvan had bruising on his right hand and chest, a graze on his right arm, bruises and grazes on his shins and painful areas on the head and back. In Mücahit's case the doctor noted wide areas of bruising and grazes on his chest and right shoulder-blade, on the right arm and right shoulder and on the shins. He stated that in spite of the applicant's allegations there were no signs that electrical current had been passed through his penis, but sent him for a urological examination. This was carried out on the following day but did not reveal any anomaly.

On 23 October 1997 the Diyarbakır National Security Court acquitted Rıdvan for lack of evidence and Mücahit by virtue of the Reformed Criminals (State Evidence) Act, given that he had left the PKK of his own accord.

The applicants complained of ill-treatment inflicted on them while they were in police custody. They rely on Articles 3 (prohibition of torture) and 13 (right to an effective remedy).

Having regard to the material in its possession, the Court found that there was no evidence capable of creating a reasonable suspicion that gendarmes had inflicted prohibited treatment on the applicants, or of casting doubt on the way the authorities had reacted to their allegations. It accordingly held unanimously that there had been no violation of Article 3, whether taken separately or read together with Article 13. (The judgment is available only in French.)

Özden v. Turkey (no. 3) (no. 8610/02) ***Violation of Article 5 § 3***
The applicant, Özden Bilgin, is a Turkish national who was born in 1959 and lives in Istanbul.

The case concerned Ms Bilgin's complaint about the length of her detention in police custody and then on remand following her arrest in September 1993 on suspicion of membership of an illegal armed organisation. She was released pending trial in December 2005 and her case is still pending before the Istanbul Assize Court.

She relied, in particular, on Article 5 § 3 (right to liberty and security).

The Court held unanimously that there had been a violation of Article 5 § 3 on account of Ms Bilgin having been detained on remand for almost 11 years. It awarded the applicant EUR 9,000 for non-pecuniary damage and EUR 1,000 for costs and expenses. The remainder of the application was declared inadmissible. (The judgment is available only in English.)

Ponomarenko v. Ukraine (no. 13156/02) ***Violation of Article 6 § 1 (fairness)***
The applicant, Albert Ivanovich Ponomarenko, is a Ukrainian national who was born in 1930 and lives in the town of Gola Prystan (Ukraine).

The case concerned Mr Ponomarenko's complaint about the unfairness of proceedings about a plot of land surrounding his house.

He relied on Article 6 § 1 (access to court).

The Court found that no acceptable justification had been given for refusal to consider the applicant's claim at domestic level and that that had impaired his right of access to a court. Accordingly, the Court held unanimously that there had been a violation of Article 6 § 1 and that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant. The remainder of the application was declared inadmissible. (The judgment is available only in English.)

Svyato-Mykhaylivska Parafiya v. Ukraine (no. 77703/01) ***Violation of Article 9***
The applicant, the Svyato-Mykhaylivska Parafiya, was created in 1989 by a group of 25 persons. The association was registered in 1990 as a religious association of the Russian Orthodox Church in the Darnytsky District of Kyiv. Since its registration, it belonged to the denomination of the Ukrainian Orthodox Church of the Moscow Patriarchate. In accordance with its statute, membership of the association was restricted by certain conditions. On 24 December 1999 the association's Parishioners' Assembly, with 21 out of 27 of its members present, decided to withdraw from the jurisdiction and canonical guidance of the Moscow Patriarchate and to accept that of the Ukrainian Orthodox Church of the Kyiv Patriarchate. It then requested the Kyiv City State Administration to register changes and amendments to the statute adopted at its meeting of 24 December 1999. The domestic authorities, including the national courts, rejected, for various reasons, the association's requests. The association had 29 members in October 2000 and 30 in February 2005.

The present application concerned the applicant's complaints about the unlawful refusal of the Ukrainian authorities to register amendments to its statute following the decision of the highest governing body of the church to change its denomination to the Ukrainian Orthodox Church of the Kyiv Patriarchate. The association alleged that, as a result, parishioners of the church were restricted in their right to practice their religion and were unable to manage the parish's property and its affairs. The applicant association relied in particular on Articles 6 § 1 (right to a fair trial) and Article 9 (freedom of thought, conscience and religion).

The Court, after having examined submissions by the parties and relevant circumstances of the case, considered that the interference with the association's rights was prescribed by law. Nevertheless, even though the relevant law was accessible, it was not, from the Court's point of view, sufficiently "foreseeable". It further held that the interference complained of essentially pursued a legitimate aim, namely protection of public order and safety and the rights of others.

Moreover, the Court concluded that the interference at issue was not justified. It noted that the lack of safeguards against arbitrary decisions by the registering authority were not rectified by the judicial review conducted by the domestic courts, which were clearly prevented from reaching a different finding due to the lack of coherence and foreseeability of the legislation. The Court therefore held unanimously that there had been a violation of Article 9. The Court further held, unanimously, that there was no need to examine the complaint under Article 6 § 1.

The Court made no award for just satisfaction as the applicant association submitted its claims out of time. (The judgment is available only in English.).

Repetitive Cases

In the following cases the Court has reached the same findings as in similar cases raising the same issues under the Convention:

Violation of Article 6 § 1 (fairness)
Violation of Article 1 of Protocol No. 1

Ayrapetyan v. Russia (no. 21198/05)
OOO PTK "Merkuriy" v. Russia (no. 3790/05)
Parolov v. Russia (no. 44543/04)
Pitelin and Others v. Russia (no. 4874/03)
Timishev v. Russia (No. 3) (no. 18465/05)
Zheltkov v. Russia (no. 8582/05)
Logvinov v. Ukraine (no. 1371/03)
Ostapenko v. Ukraine (no. 17341/02)

Two violations of Article 6 § 1 (fairness)
Zvezdin v. Russia (no. 25448/06) ***Two violations of Article 1 of Protocol No. 1***
The applicants are nine Russian nationals, one Russian limited-liability company and two Ukrainian nationals.

The applicants all complained, in particular, that judgments in their favour were not enforced in good time or not at all and/or were quashed by way of supervisory review proceedings.

They relied in particular on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property). Mr Parolov and Mr Zvezdin also relied on Article13 (right to an effective remedy).

In all cases except for ***OOO PTK "Merkuriy" v. Russia***, the Court held unanimously that there had been a violation of Article 6 § 1 and Article 1 of Protocol No. 1 and in the case of ***Zvezdin v. Russia*** two violations of each of those articles. In the case of ***OOO PTK "Merkuriy" v. Russia***, the Court declared the application admissible by a majority and held

by five votes to two that there had been a violation of Article 6 § 1 and Article 1 of Protocol No. 1. The remainder of the applications were declared inadmissible. In the case of ***Ayrapetyan v. Russia*** the Court decided not to make an award under Article 41. The sums awarded to the rest of the the applicants under that head can be found at the end of the judgments. (The judgments are available only in English.)

Violation of Article 1 of Protocol No. 1

Gürgen v. Turkey (no. 61737/00)
Has and Others v. Turkey (nos. 23918/02, 23919/02, 23921/02, 23922/02, 23924/02, 23928/02, 23933/02, 23936/02, 23941/02, 23943/02, 23946/02, 23949/02, 23956/02, 23958/02 and 23966/02)
In these two cases the applicants relied, among other provisions, on Article 1 of Protocol No. 1 (protection of property) and complained of delays in the payment of additional compensation for expropriation.

The Court held unanimously in these two cases that there had been violations of Article 1 of Protocol No. 1. As Mr Gürgen had not submitted a claim for just satisfaction within the time allowed, the Court decided not to award him any sum on that account. In the ***Has and Others*** case the Court awarded the applicants sums which are set out at the end of the judgment. (The judgment is available only in French.)

Hünkar Demirel v. Turkey (no. 10365/03) ***Violation of Article 6 § 1 (fairness)***
The applicant, Hünkar Demirel, is a Turkish national who was born in 1979 and lives in Bruchköbel (Germany).

In June 2002 the applicant was sentenced to three years and nine months' imprisonment, that sentence being commuted to a heavy fine, for disseminating propaganda for a terrorist organisation in July 2001 through the columns of the weekly newspaper *Yedinci Gündem* (Seventh Order of the Day), of which she was the editor. The article presented an analysis of the reasons for being a member of that organisation and tended to demonstrate "the legitimacy of the PKK's revolt".

The applicant complained of her criminal conviction and of the lack of fairness of the proceedings against her on account of the fact that she had not been provided with a copy of the Principal Public Prosecutor's opinion. She relied on Article 6 (right to a fair trial), Article 10 (freedom of expression) and Article 1 of Protocol No. 1 (protection of property).

In the Court's view, in giving a contextual explanation for the existence of the PKK the offending article seemed to excuses its actions, even those which were violent or "arbitrary". Such remarks, and expressions like "If someone was trying to kill you, you would use your right of self-defence to fight back" or "If the world unites to destroy us, we will use our right of self-defence", might be regarded as incitement to violence, armed resistance or rebellion. The Court considered this an essential element to be taken into account. The Court also considered that the penalty imposed on the applicant could not be regarded as disproportionate to the legitimate aims pursued. It accordingly declared this complaint inadmissible as being manifestly ill-founded, as was the complaint under Article 1 of Protocol No. 1.

The Court held unanimously that there had been a violation of Article 6 § 1 and that the finding of a violation provided in itself sufficient just satisfaction for the non-pecuniary

damage sustained by the applicant, to whom it awarded EUR 1,000 for costs and expenses. (The judgment is available only in French.)

Ibrahim Güllü v. Turkey (no. 60853/00) ***Violation of Article 6 (fairness)***
The applicant, İbrahim Güllü, is a Turkish national who was born in 1967 and lives in Ankara.

In April 1999 a national security court found the applicant guilty of belonging to the illegal organisation *Devrimci Sosyalist İşçi Hareketi* (The Revolutionary Socialist Workers' Movement) and violently robbing a police officer of his service weapon. It sentenced him to ten years and ten months' imprisonment and a fine.

The applicant alleged, among other complaints, that the national security court which tried him had not been an "independent and impartial tribunal" on account of the presence of a military judge on the bench. He relied in particular on Article 6 § 1 (right to a fair trial).

The Court held unanimously that there had been a violation of Article 6 § 1 and that it was not necessary to examine the other complaints under Article 6. It considered that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant and awarded him EUR 1,000 for costs and expenses. (The judgment is available only in French.)

Inci (Nasiroğlu) v. Turkey (no. 69911/01) ***Violation of Article 1 of Protocol No. 1***
The applicant, Şükran İnci (Nasıroğlu), is a Turkish national who was born in 1955 and lives in Yalova (Turkey).

The case concerned Ms İnci's complaint about expropriation of land belonging to her without compensation.

She relied on Article 1 of Protocol No. 1 (protection of property).

The Court held unanimously that there had been a violation of Article 1 of Protocol No. 1 and awarded the applicant 73,000 for pecuniary damage and 1,000 for costs and expenses. (The judgment is available only in English.)

Özmen and Others v. Turkey (no. 9149/03) ***Violation of Article 6 § 1 (fairness)***
The applicants, Nihat Özmen, Yasin Demir and Şefika Özmen, are Turkish nationals who were born in 1968, 1972 and 1977, respectively. At the time when they lodged their application they were imprisoned in Erzurum (Turkey).

In February 2002 a national security court found Mr Özmen and Mr Demir guilty of attempting to change the constitutional order by violence and sentenced them to death, that penalty being commuted to life imprisonment. It found Mr Özmen guilty of belonging to *Hizbullah* and sentenced him to 12 years and six months' imprisonment.

The applicants complained that the proceedings had not been fair on account of the fact that they had not been provided with a copy of the Principal Public Prosecutor's opinion. They relied on Article 6 § 1 (right to a fair trial).

The Court held unanimously that there had been a violation of Article 6 § 1 and that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants. (The judgment is available only in French.)

Length-of-proceedings cases

In the following cases, the applicants, relying on Article 6 § 1 (right to a fair hearing within a reasonable time), complained in particular about the excessive length of (non-criminal) proceedings. The applicant in the case of ***Savenko v. Russia*** also complained under Article 13 that she had had no "effective remedy" concerning her length-of-proceedings complaint. The remainder of the applicants' complaints were declared inadmissible.

Berger v. Germany (no. 55809/00) ***Friendly settlement***

Violation Article 6 § 1 (length)
Graberska v. "the former Yugoslav Republic of Macedonia" (no. 6924/03)
Ayral v. Turkey (no. 15814/04)
Hasan Erkan v. Turkey (no. 29840/03)
Müslüoğlu and Others v. Turkey (no. 50948/99)
Şişikoğlu v. Turkey (no. 38521/02)
Tarakçi v. Turkey (no. 9915/03)

Violation of Article 6 § 1 (length)
Savenko v. Russia (no. 28639/03) ***Violation of Article 13***

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These summaries by the Registry do not bind the Court. The full texts of the Court's judgments are accessible on its Internet site (http://www.echr.coe.int).

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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.*