

Press release issued by the Registrar

**Chamber judgments concerning
Italy, Malta, Moldova, Poland, Portugal, Serbia and Turkey**

The European Court of Human Rights has today notified in writing the following 26 Chamber judgments, none of which are final¹.

Repetitive cases² and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release.

Violation of Article 8

Bagarella v. Italy (application no. 15625/04)

The applicant, Leoluca Biagio Bagarella, is an Italian national who was born in 1942. He is currently in L'Aquila prison (Italy), where he is serving a life sentence for murders and participation in a mafia-type criminal association. The applicant complained that his correspondence had been monitored by the prison authorities. The Court found unanimously that there had been a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights and considered that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by Mr Bagarella. It awarded him 4,000 euros (EUR) for costs and expenses. (The judgment is available only in French.)

Violation of Article 6 § 1 (fairness)

Micallef v. Malta (no. 17056/06)

The applicant, Joseph Micallef, is a Maltese national who lives in Vittoriosa (Malta). He is the brother of Mrs M, who was a party to civil proceedings concerning a dispute between neighbours living in a block of flats. The case concerned the applicant's complaint that Mrs M. had been denied a fair hearing before an impartial tribunal. The Court held, by four votes to three, that there had been a violation of Article 6 § 1 (right to a fair hearing) of the Convention. It held 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 2,000 for costs and expenses. (The judgment is available only in English.)

Violation of Article 6 § 1 (fairness)

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.

Ceachir v. Moldova (no. 11712/04)

The applicants are two Moldovan nationals who live in Moldova. Gheorghe Ceachir was born in 1931 and lives in Chişinău, and Ion Ceachir was born in 1940 and lives in Bălţi. The case concerned the applicants' complaint that their right to a fair hearing had been infringed by the failure of the Supreme Court of Justice to give any reasons for extending the time-limit for lodging an appeal on points of law. The Court held unanimously that there had been a violation of Article 6 § 1 (right to a fair hearing) and awarded each applicant, in respect of pecuniary damage, EUR 6,586 representing the judgment debt and EUR 7,279 representing the lost interest. It also awarded the applicants a total of EUR 3,600 for non-pecuniary damage, and a total of EUR 1,800 for costs and expenses. (The judgment is available only in English.)

Violation of Article 6 § 1 (fairness)

Biziuk v. Poland (no. 15670/02)

Zagawa v. Poland (no. 76396/01)

Zaniewski v. Poland (no. 14464/03)

The applicants, Janusz Biziuk, Edward Zagawa and Stefan Zaniewski, are Polish nationals who were born in 1964, 1947 and 1932 respectively and live in Sokółka, Choszczno and Wrocław (Poland). The cases concerned their complaint that the Polish authorities had refused to grant them free legal aid for the purposes of lodging an appeal on points of law for which legal assistance was mandatory. The Court found unanimously that there had been a violation of Article 6 § 1 (right to a fair hearing) and awarded each applicant EUR 2,000 in respect of non-pecuniary damage. It also awarded EUR 100 to Mr Biziuk and EUR 650 to Mr Zagawa for their costs and expenses. (The judgments are available only in French.)

No violation of Article 5 § 3

Violation of Article 5 § 4

Łaskiewicz v. Poland (no. 28481/03)

The applicant, Patrycja Łaskiewicz, is a Polish national who was born in 1973 and lives in Będzin (Poland). The case concerned the applicant's complaints about the excessive length of her detention on remand on a charge of drug-trafficking, and the lack of adversarial procedure in the proceedings regarding prolongation of pre-trial detention. The Court held unanimously that there had been no violation of Article 5 § 3 (right to liberty and security) and that there had been a violation of Article 5 § 4. It also held unanimously that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant, and awarded her EUR 1,150 for costs and expenses. (The judgment is available only in English.)

Violation of Article 6 § 1 (fairness) in conjunction with Article 6 § 3

Luboch v. Poland (no. 37469/05)

The applicant, Zbigniew Luboch, is a Polish national who was born in 1956 and lives in Rzeszów (Poland). The case concerned the applicant's complaint about the unfairness of the "lustration proceedings" against him. The Court held unanimously that there had been a violation of Article 6 § 1 (right to a fair trial) taken in conjunction with Article 6 § 3. It further held unanimously that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant, and awarded him EUR 2,100 for costs and expenses. (The judgment is available only in English.)

No violation of Article 5 § 3

Violation of Article 8

Pawlak v. Poland (no. 39840/05)

The applicant, Bogdan Pawlak, is a Polish national who was born in 1974 and lives in Ząbki (Poland). The case concerned the applicant's complaint about the excessive length of his pre-trial detention on suspicion of theft, robberies committed with extreme brutality and membership of a criminal gang, and that his correspondence with his lawyer and with the Court had been monitored while he was detained on remand. The Court held unanimously that there had been no violation of Article 5 § 3 (right to liberty and security), and that there had been a violation of Article 8 (right to respect for correspondence). It awarded the applicant EUR 500 in respect of non-pecuniary damage and EUR 488 for costs and expenses. (The judgment is available only in English.)

No violation of Article 5 § 3

Rozmarynowski v. Poland (no. 37149/02)

The applicant, Piotr Rozmarynowski, is a Polish national who was born in 1975 and lives in Rawicz (Poland). The case concerned the applicant's complaint about the excessive length of his detention on remand on suspicion of attempted robbery and threats to kill. The Court held unanimously that there had been no violation of Article 5 § 3 (right to liberty and security). (The judgment is available only in English.)

Violation of Article 6 § 1 (length)

Stanlik v. Poland (no. 31397/03)

The applicant, Antoni Stanlik, is a Polish national who was born in 1949 and lives in Wrocław (Poland). The case concerns criminal proceedings brought against him following a tax audit. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complained about the length of those proceedings. The Court found unanimously that there had been a violation of that provision and awarded the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 1,130 for costs and expenses. (The judgment is available only in French.)

Violation of Article 8

Zborowski v. Poland (no. 45133/06)

The applicant, Mirosław Zborowski, was born in 1958 and lives in Poznań (Poland). The case concerned the applicant's complaint that his correspondence had been monitored during his detention on remand on a charge of forgery of the wills of several people. The Court held unanimously that there had been a violation of Article 8 (right to respect for correspondence) concerning the monitoring of the applicant's correspondence with his defence counsel, the State authorities and the Council of Europe Information Office, and that there had been no violation of that Article concerning the monitoring of his private correspondence. The Court awarded the applicant EUR 1,500 for non-pecuniary damage and EUR 1,000 for costs and expenses. (The judgment is available only in English.)

Violation of Article 8

Zmarzlak v. Poland (no. 37522/02)

The applicant, Marek Zmarzlak, is a Polish national who was born in 1947 and lives in Izabelin (Poland). He complained that he had been subjected to a measure of police surveillance for some 12 years. The Court held unanimously that there had been a violation of Article 8 (right to respect for private and family life) and awarded him EUR 6,000 in respect of non-pecuniary damage and EUR 450 for costs and expenses. (The judgment is available only in French.)

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

R. Kačapor and Others v. Serbia (nos. 2269/06, 3041/06, 3042/06, 3043/06, 3045/06 and 3046/06)

The applicants are six Serbian nationals who live in Novi Pazar (Serbia). The case concerned their complaints about the Serbian authorities' failure to enforce final judgments given in their favour. The Court held unanimously that there had been a violation of Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property). It also held unanimously that Serbia shall, from its own funds, enforce those final judgments and pay the applicants a total sum of EUR 7,000 in respect of non-pecuniary damage and EUR 300 each for costs and expenses. (The judgment is available only in English.)

Violation of Article 1 of Protocol No. 1

Karaman v. Turkey (no. 6489/03)

The applicants, Mustafa Karaman and Nimet Karaman, are Turkish nationals who were born in 1939 and 1949 respectively and live in Istanbul. They complained that, after they had ceded a plot of their land to the authorities for public-interest purposes, only a part of their property had been put to such use. The Court found, by six votes to one, that there had been a violation of Article 1 of Protocol No. 1 (protection of property). It further held unanimously that the question of just satisfaction (Article 41 of the Convention) was not ready for decision and accordingly reserved it in its entirety. (The judgment is available only in French.)

Repetitive cases

The following cases raise issues which have already been submitted to the Court.

Violation of Article 8
Violation of Article 13

Ciccolella v. Italy (no. 314/04)

Citarella v. Italy (no. 28466/03)

Lepore v. Italy (no. 43466/04)

Mazzon v. Italy (no. 896/04)

These cases concern measures of disqualification affecting the applicants following their insolvency. The above-mentioned violations were found by the Court, unanimously.

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

Rusu v. Moldova (no. 3479/04)

The Court found the above violations in this case concerning the domestic authorities' failure to enforce a final judgment in the applicant's favour.

Violation of Article 1 of Protocol No. 1

Companhia Agrícola da Barrosinha S.A. v. Portugal (no. 21513/05)

Costa Capucho and 23 other "agrarian reform" cases v. Portugal (nos. 44311/04, 7780/05, 8297/05, 10132/05, 10139/05, 10150/05, 10160/05, 15723/05, 16394/05, 16933/05, 17116/05, 17196/05, 17198/05, 17200/05, 17767/05, 18834/05, 18877/05, 18892/05, 19750/05, 19754/05, 19953/05, 20349/05, 21523/05 and 21525/05)

The applicants were all owners of land expropriated in 1975 as part of the agrarian reform policy. In these cases the applicants alleged that the amount received in compensation did not

represent “fair compensation” and complained of a delay in the award and payment of the final amount. The Court held unanimously that there had been a violation of Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Mutu v. Turkey (no. 25984/03)

In this case the applicant complained that the authorities had not paid the full amount of additional compensation for expropriation. The Court held unanimously that there had been a violation of Article 1 of Protocol No. 1 (protection of property).

Violation of Article 6 § 1 (fairness)

Suat Ünlü v. Turkey (no. 12458/03)

In this case the applicant complained of a failure to give him notice of the opinion of Principal State Counsel at the Court of Cassation in proceedings brought against police officers. The Court held unanimously that there had been a violation of Article 6 § 1 (right to a fair hearing).

Length-of-proceedings cases

In the following cases, the applicants complained in particular about the excessive length of (non-criminal) proceedings.

Violation of Article 6 § 1 (length)

Violation of Article 13 in conjunction with Article 6 § 1

Cravenco v. Moldova (no. 13012/02)

Violation of Article 6 § 1 (length)

Opalko v. Poland (no. 4064/03)

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>).

Press contacts

Emma Hellyer (telephone: 00 33 (0)3 90 21 42 15)

Stéphanie Klein (telephone: 00 33 (0)3 88 41 21 54)

Tracey Turner-Tretz (telephone: 00 33 (0)3 88 41 35 30)

Paramy Chanthalangsy (telephone: 00 33 (0)3 90 21 54 91)

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.