

EUROPEAN COURT OF HUMAN RIGHTS

891
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FORTHCOMING CHAMBER JUDGMENTS

9 and 11 December 2008

The European Court of Human Rights will be notifying in writing 32 Chamber judgments on Tuesday 9 December 2008 and 27 on Thursday 11 December 2008.

Press releases and texts of the judgments will be available at **11 a.m.** (local time) on the Court's Internet site (<http://www.echr.coe.int>).

Tuesday 9 December 2008

Eloranta v. Finland (application no. 4799/03)

The applicant, Vera Eloranta, is a Finnish national who was born in 1939 and lives in Masku (Finland). Relying on Article 6 § 1 (right to a fair trial within a reasonable time) of the European Convention on Human Rights, she complains about the length of criminal proceedings against her for fraud.

Unistar Ventures GmbH v. Moldova (no. 19245/03)

The applicant, Unistar Ventures GmbH, is a company incorporated in Germany. In 2000 the applicant company concluded a contract with a Moldovan State-owned body for the purchase and control of Air Moldova. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicant company complains about the non-enforcement of a judgment of August 2002 which declared that contract null and void and ordered the restitution of the applicant company's investment.

Dzieciak v. Poland (no. 77766/01)

The applicant, Zbigniew Dzieciak, now deceased, was a Polish national who was born in 1948 and lived in Warsaw. He suffered from heart disease and died after four years of pre-trial detention on suspicion of drug trafficking. The case concerns Mr Dzieciak's complaint about the excessive length of his pre-trial detention and inadequacy of the medical care he had received during that time. The applicant's wife alleges that the authorities contributed to her husband's death by failing to take the appropriate measures to protect his health and life. She relies on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security).

Wojciechowski v. Poland (no. 5422/04)

The applicant, Janusz Wojciechowski, is a Polish national who was born in 1961 and lives in Lublin (Poland). Arrested on suspicion of, in particular, acting in an organised and armed criminal group, Mr Wojciechowski was remanded in custody in October 2001. In December 2004 he was convicted of that charge and sentenced to six years' imprisonment and a fine. The conviction was confirmed in October 2005. Relying on Article 5 § 3 (right to liberty and

security), the applicant complains about the excessive length of his detention on remand. He further complains under Article 6 § 2 (presumption of innocence) that, before the opening of his trial, a court stated that he had committed the offences he had been charged with.

Viaşu v. Romania (no. 75951/01)

The applicant, Gheorghe State Viaşu, now deceased, was a Romanian national. He owned a plot of land in the municipality of Cătunele (Romania), which he was obliged to transfer to the Cătunele agricultural cooperative in 1962. He complained that, under the Romanian legislation on the restitution of property, he had been unable to obtain compensation for the land. He relied on Article 1 of Protocol No. 1 (protection of property).

Matyush v. Russia (no. 14850/03)

The applicant, Natalya Albertovna Matyush, is a Russian national who was born in 1964 and lives in Solnechnogorsk (Russia). In March 1999 Ms Matyush was arrested on suspicion of fraud; she was released in April 2003 pending trial. She was subsequently convicted and sentenced to seven years' imprisonment, upheld on appeal. The case concerns the applicant's complaint about the conditions of her detention in a facility in Omsk and the unlawfulness and excessive length of her detention on remand. She relies on Articles 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security).

Demirbaş and Others v. Turkey (nos. 50973/06, 8672/07 and 8722/07)

The applicants, Cem Demirbaş, born in 1977, and Haydar Ceylan and Binnaz Demirbaş, born in 1974, are Turkish nationals who live in Istanbul. In April 1999 they were arrested on suspicion of membership of an illegal organisation and placed in custody. They were released pending trial in February 2007; the criminal proceedings against them are still pending. Relying on Article 5 (right to liberty and security), all the applicants complain about the excessive length of their detention pending criminal proceedings and that they had no effective domestic remedy to challenge the lawfulness of their detention or an enforceable right to compensation. Further relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), the applicants also all complain about the excessive length of the criminal proceedings against them. Mr Ceylan further alleges that he was ill-treated while in police custody and that the authorities failed to punish those responsible, in breach of Article 3 (prohibition of inhuman or degrading treatment).

Demirel and Ateş v. Turkey (No. 3) (no. 11976/03)

The applicants are two Turkish nationals who live in Germany: Hıdır Ateş who was born in 1951 and lives in Berlin; and, Hünkar Demirel who was born in 1979 and lives in Neu Isenburg. They are the owner and editor of a weekly newspaper, *Yedinci Gündem*. Relying on Article 10 (freedom of expression) and Article 1 of Protocol No. 1 (protection of property), the applicants complain about their conviction in June 2002 for publishing statements by Öcalan and the ensuing closure of their newspaper for seven days. Further relying on Article 6 § 1 (right to a fair trial), they also complain that they were not notified of the principal public prosecutor's written opinion on their case on appeal.

Menemen Minibüsçüler Odası v. Turkey (no. 44088/04)

The applicant company, Menemen Minibüsçüler Odası, is a Chamber of Commerce. A private transport company operated within the Chamber, which has its head office in Izmir (Turkey). The applicant company complains that it was unable to intervene in proceedings concerning a operating licence awarded to it by the Governor's Office. It relies on Article 6 § 1 (right to a fair hearing).

Pehlivan v. Turkey (no. 4233/03)

The applicant, Mehmet Pehlivan, is a Turkish national who was born in 1963 and lives in Istanbul. In April 1996 he was arrested on suspicion of homicide and membership of the PKK. In March 2002 he was convicted of homicide and sentenced to 15 years' imprisonment; he was released in view of the length of his detention during the criminal proceedings against him. Relying on Article 5 § 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), the applicant complains of the excessive length of his detention on remand and of the criminal proceedings brought against him. He further relies on Article 6 § 3 a) (right to be informed promptly and in sufficient detail of the nature and cause of the accusation).

Selvi v. Turkey (no 5047/02)

The applicant, Yahya Selvi, is a Turkish national who was born in 1973 and lives in İzmir. Relying on Article 3 (prohibition of inhuman or degrading treatment and lack of effective investigation), Mr Selvi complains that he was ill-treated by officers of the anti-terrorist branch of the İzmir police when they came to his house in May 2001 in search of his uncle, suspected of having participated in an illegal demonstration. He also complains that the police carried out an unlawful search of his home, in breach of Article 8 (right to respect for private and family life).

Tanay v. Turkey (no. 18753/04)

The applicant, Mehmet Tanay, is a Turkish national who was born in 1956 and lives in Istanbul. Relying in particular on Article 6 § 1 (right to a fair hearing), the applicant complains that his case requesting increased compensation in an expropriation decision in his favour was declared time-barred due to a mistake made by the Court of Cassation.

Repetitive cases

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

Cignoli and Others v. Italy (no. 68309/01)

The applicant relies on Article 1 of Protocol No. 1 (protection of property).

Kudić v. Bosnia-Herzegovina (no. 28971/05)

Avram v. Moldova (no. 2886/05)

Tudor-Auto S.R.L. (No. 1) v. Moldova and Triplu-Tudor S.R.L. v. Moldova, and Tudor-Auto S.R.L. (No. 2) v. Moldova (nos. 36344/03, 36341/03 and 30346/05)

Cărpineanu and Others v. Romania (no. 26356/02)

Ciocan and Others v. Romania (no. 6580/03)

Lucreția Popa and Others v. Romania (no. 13451/03)

Moroianu v. Romania (no. 16304/04)

Pintilie v. Romania (no. 30680/03)

Popescu and Dimeca v. Romania (no. 17799/03)

Mehmet Kaplan v. Turkey (no. 29016/04)

All the applicants rely on Article 6 § 1 (right to a fair hearing). With the exception of the applicant in the case of *Avram* they also rely on Article 1 of Protocol No. 1 (protection of property). The applicants in the cases of *Ciocan and Others* and *Tudor-Auto S.R.L. (No. 1) and Triplu-Tudor S.R.L., and Tudor-Auto S.R.L. (No. 2)* also rely on Article 13 (right to an effective remedy) and the applicants in the case of *Cărpineanu and Others* also rely on Article 14 (prohibition of discrimination).

Shireby v. United Kingdom (no. 28071/02)

The applicant relies on Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 (protection of property) and/or Article 8 (right to respect for private and family life).

Length-of-proceedings cases

In the following cases, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings. The applicant in the case of ***Mustafa Açıkgöz*** also relies on Article 1 of Protocol No. 1 (protection of property).

Áron Kiss v. Hungary (no. 15670/04)

Béla Szabó v. Hungary (no. 37470/06)

László Németh v. Hungary (no. 30211/05)

Sefcsuk v. Hungary (no. 37501/06)

Klewinowski v. Poland (no. 43161/04)

Korkut v. Turkey (no. 10693/03)

Mustafa Açıkgöz v. Turkey (no. 34588/03)

Şevki Şahin v. Turkey (no. 7190/05)

Thursday 11 December 2008

Just satisfaction

Efendiyeva v. Azerbaijan (no. 31556/03)

The applicant, Latifa Talat qızı Efendiyeva, is an Azerbaijani national who was born in 1955 and lives in Baku. In a judgment of 25 October 2007, the Court held that there had been violations of Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property) concerning the applicant's complaint about the non-enforcement of a final judgment which ordered her to be reinstated to her former post as Head of the Republican Maternity Hospital and to be paid compensation. It further held that the question of the application of Article 41 (just satisfaction) was not ready for decision.

Manolov and Racheva-Manolova v. Bulgaria (no 54252/00)

The applicants, Zdravko Manolov, and his wife, Evgenia Racheva-Manolova, are Bulgarian nationals who were born in 1920 and 1930 respectively and live in Sofia. The case concerns nationalised property acquired by the applicants and the subsequent proceedings brought against them by the heirs of the pre-nationalisation owners under the Restitution of Stores, Workshops and Storage Houses Act 1991. As a result the applicants were ordered to vacate their workshop in May 1997. Relying in particular on Article 1 of Protocol No. 1 (protection of property), the applicants complain that they were unlawfully deprived of their property and without compensation.

Veltd-98 AD v. Bulgaria (no. 15239/02)

The applicant company, "Veltd-98" AD, is a public limited company based in Veliko Tarnovo (Bulgaria). The applicant company complains of inadequate reasoning in a judgment delivered by the Supreme Administrative Court in connection with the privatisation of a

public company for which the applicant company had submitted a bid. It relies, in particular, on Article 6 § 1 (right to a fair hearing).

Mylonas v. Cyprus (no. 14790/06)

The applicant, Costas Mylonas, is a Cypriot national who was born in 1952 and lives in Nicosia. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time and right of access to a court), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property), Mr Mylonas complains about the excessive length of proceedings concerning a dispute over matrimonial property and that, due to that excessive length, he was time-barred from bringing a new application and raising further property claims before the domestic courts.

Panovits v. Cyprus (no. 4268/04)

The applicant, Andreas Kyriakou Panovits, is a Cypriot national who was born in 1982 and is currently serving concurrent sentences of 14 and six years' imprisonment at Nicosia Central Prison for manslaughter and robbery. Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial), Mr Panovits makes a number of complaints about the unfairness of the criminal proceedings against him.

Hasslund v. Denmark (no. 36244/06)

Moesgaard Petersen v. Denmark (no. 32848/06)

The applicants are two Danish nationals, Henrik Hasslund, who was born in 1973 and lives in Les Salles Sur Verdon (France), and, Torben Moesgaard Petersen, who was born in 1958 and lives in Charlottenlund (Denmark). Relying in particular on Article 6 § 1 (right to a fair trial within a reasonable time), the applicants complain about the excessive length of criminal proceedings against them for aggravated debtor fraud.

Theodoraki and Others v. Greece (no. 9368/06)

The applicants are three Greek nationals who live in Athens, namely Georgia Theodoraki, Olga Kladi and Anastassios Kladis, and the company "Limni Makri S.A.", which has its head office in Laganas (Greece). The case concerns a freeze on any construction work on the applicants' properties, imposed by successive administrative decisions for the purpose of protecting the natural environment. The applicants complain that they received no compensation from the relevant administrative authorities, although their right to compensation had been recognised by final decisions of the Supreme Administrative Court. The applicants rely on Article 6 § 1 (right to a fair hearing within a reasonable time), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property).

TV Vest AS and Rogaland Pensjonistparti v. Norway (no. 21132/05)

The applicants are TV Vest AS Ltd. – a television company in Stavanger, Rogaland, on the west coast of Norway – and the regional branch of a Norwegian political party, the Rogaland Pensioners Party (*Rogaland Pensjonistparti*). Relying on Article 10 (right to freedom of expression), the applicants complain about a fine imposed on TV Vest for showing adverts for the Pensioners Party without authorisation prior to the local and regional elections of 2003.

Kolovangina v. Russia (no. 76593/01)

The applicant, Irina Petrovna Kolovangina, is a Russian national who was born in 1953 and lives in Khabarovsk (Russia). The case concerns the domestic courts' refusal to allow the

applicant's husband, to whom she had given power of attorney, to lodge a claim on her behalf. She relies on Article 6 § 1 (right to a fair hearing).

Mirilashvili v. Russia (no. 6293/04)

The applicant, Mikhail Mirilashvili, is a Russian and Israeli national who was born in 1960 and is currently serving a prison sentence in a correctional colony in the region of Orenburg (Russia) for organising the abduction of several people who had been implicated in the kidnapping of his father. Relying on Article 6 §§ 1 and 3 (right to a fair trial), he complains that he did not have a fair trial, notably with regard to the taking and examination of evidence by the domestic courts.

Muminov v. Russia (no. 42502/06)

The applicant, Rustam Tulaganovich Muminov, is an Uzbek national who was born in 1965 and is serving a sentence of imprisonment in Uzbekistan for membership of Hizb ut-Tahrir, a transnational Islamic organisation. The case concerns Mr Muminov's complaint in particular about his expulsion from Russia to Uzbekistan on 24 October 2006, even though he still had an appeal pending against the expulsion order in Russia and despite the fact that the European Court had indicated to the Russian Government that same day that the applicant should not be removed until further notice. He relies on Articles 3 (prohibition of inhuman or degrading treatment), 13 (right to an effective remedy), 5 (right to liberty and security), 6 (right to a fair trial), 34 (right of individual petition) and Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens).

Shulepova v. Russia (no. 34449/03)

The applicant, Valentina Aleksandrovna Shulepova, is a Russian national who was born in 1934 and lives in the Kaliningrad Region (Russia). Relying on Article 5 § 1 (right to liberty and security), Ms Shulepova complains about the unlawfulness of her confinement to a psychiatric hospital. She also alleges that the judicial review of her detention had been unfair, in breach of Article 6 § 1 (right to a fair hearing).

Trapeznikova v. Russia (no. 21539/02)

The applicant, Lyudmila Andreyevna Trapeznikova, is a Russian national who was born in 1940 and lives in Stavropol (Russia). On 4 January 2000 Ms Trapeznikova's apartment and possessions were destroyed during a military operation in Grozny. Two days later she, her husband and other residents, sheltering from further bombardments in the basement of their block of flats, were fired upon by a drunken man armed with a machine gun. Her husband and three others were shot dead. Relying on Article 2 (right to life), the applicant alleges that the State failed to secure her husband's life and to carry out an effective investigation into his death. She also complains about the destruction of her property, the unfairness of the proceedings she brought for compensation and the delayed enforcement of a decision by which she was awarded compensation for her husband's death, in violation of Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Farafonova v. Ukraine (no. 28780/02)

The applicant, Irina Anatolyevna Farafonova, is a Ukrainian national who was born in 1965 and lives in Kharkiv (Ukraine). Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), Ms Farafonova complains about the excessive length of criminal proceedings brought against her for hooliganism.

Repetitive cases

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

Alekseyeva v. Russia (no. 36153/03)
Tkachev v. Russia (no. 22551/06)
Antonyuk v. Ukraine (no. 17022/02)
Gogin v. Ukraine (no. 10398/04)
Kacherskaya and Frolova v. Ukraine (no. 28020/03)
Kalashnykov v. Ukraine (no. 22709/02)
Paslen v. Ukraine (no. 44327/05)
Stankovskaya v. Ukraine (no. 20984/04)

All the applicants rely on Article 6 § 1 (right to a fair hearing). Relying on the same Article, the applicants in the cases of *Gogin*, *Kacherskaya and Frolova* and *Antonyuk* also complain of the length of the proceedings. With the exception of the applicants in the cases of *Gogin* and *Kalashnykov* the applicants rely on Article 1 of Protocol No. 1 (protection of property). The applicants in the cases of *Kalashnykov* and *Paslen* also rely on Article 13 (right to an effective remedy).

Length-of-proceedings cases

In the following cases, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings. The applicant in the case of *Antonyuk* also relies on Article 1 of Protocol No. 1 (protection of property).

Typoioitria Thivas AE v. Greece (no. 19521/06)
Chepyzhna v. Ukraine (no. 22581/04)
Loshenko v. Ukraine (no. 11447/04)
Lyutov v. Ukraine (no. 32038/04)

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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.