

**Press release issued by the Registrar**

**Chamber judgments concerning  
Azerbaijan, Bulgaria, Cyprus, Denmark, Greece, Russia and Ukraine**

The European Court of Human Rights has today notified in writing the following 25 Chamber judgments, none of which are final.<sup>1</sup>

Repetitive cases<sup>2</sup> and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release.

***Just satisfaction***

***Efendiyeva v. Azerbaijan*** (application no. 31556/03)

The applicant, Latifa Talat qizi 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) to the European Convention on Human Rights 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) of the Convention was not ready for decision.

In today's judgment the Court awarded the applicant 3,100 euros (EUR) in respect of non-pecuniary damage and EUR 1,550 (less EUR 850 received in legal aid from the Council of Europe) for costs and expenses. (The judgment is available only in English.)

***Violation of Article 1 of Protocol No. 1***

***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 concerned 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

---

<sup>1</sup> 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.

<sup>2</sup> In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

were ordered to vacate their property in May 1997. Relying in particular on Article 1 of Protocol No. 1 (protection of property), the applicants complained that they were unlawfully deprived of their property and without compensation.

The Court held unanimously that there had been a violation of Article 1 of Protocol No. 1 and awarded the applicants, jointly, EUR 160,000 in respect of pecuniary damage, EUR 5,000, each, in respect of non-pecuniary damage and EUR 1,200, jointly, for costs and expenses. (The judgment is available only in English.)

*Violation of Article 6 § 1 (fairness)*

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

The applicant company, “Veltes-98” AD, is a public limited company based in Veliko Tarnovo (Bulgaria).

The applicant company complained 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 relied, in particular, on Article 6 § 1 (right to a fair hearing).

The Court held unanimously that there had been a violation of Article 6 § 1 and awarded the applicant company EUR 2,000 for non-pecuniary damage and EUR 700 for costs and expenses. (The judgment is available only in French.)

*Violation of Article 6 §§ 1 and 3 (c) (fairness)*  
*Two violations of Article 6 § 1 (fairness)*

***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 made a number of complaints about the unfairness of the criminal proceedings against him.

The Court held by six votes to one that there had been a violation of Article 6 §§ 1 and 3 (c) on account of the lack of legal assistance in the initial stages of the applicant’s questioning by the police. It also held, by six votes to one, that there had been a violation of Article 6 § 1 due to the use of the applicant’s confession in his main trial and, unanimously, that there had been no violation of Article 6 § 1 due to the admission of evidence which had attempted to show his “bad character” in that same trial. Lastly, the Court held, by five votes, to two that there had been a violation of Article 6 § 1 on account of the Assize Court’s handling of the confrontation with the applicant’s defence counsel, convicted of contempt of court, during the applicant’s trial. (The judgment is available only in English.)

*Violation of Article 6 § 1 (length)*

***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 complained about the excessive length of criminal proceedings against them for aggravated debtor fraud.

The Court held unanimously that in both cases there had been a violation of Article 6 § 1 on account of the excessive length of the criminal proceedings against the applicants, which had lasted ten years and nine months in the case of *Haslund* and almost ten years in the case of *Moesgaard Petersen*. In respect of non-pecuniary damage, the Court awarded EUR 2,000, each, to Mr Haslund and Mr Moesgaard Petersen. (The judgments are available only in English.)

***Violation of Article 6 § 1 (length)***

***Violation of Article 13***

***Violation of Article 1 of Protocol No. 1***

***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 concerned 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 complained that they had received no compensation from the relevant administrative authorities, although their right to compensation had been recognised by a final decision of the Supreme Administrative Court. The applicants relied 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).

The Court held unanimously that the excessive length (over five years and six months) of the proceedings before the Supreme Administrative Court had amounted to a violation of Article 6 § 1. It also held that there had been a violation of Article 13 because there had been no remedy available to the applicants by which to obtain compensation for the freeze on construction work on their properties, and a violation of Article 1 of Protocol No. 1 on account of the progressive freeze on construction work on their properties with no compensation. The Court also held that the question of the application of Article 41 (just satisfaction) was not ready for decision. (The judgment is available only in French.)

***No violation of Article 6 § 1 (fairness)***

***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 concerned 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 relied on Article 6 § 1 (right to a fair hearing).

The Court considered that the applicant’s right of access to court could not be said to have been impaired and held unanimously that there had been no violation of Article 6 § 1. (The judgment is available only in English.)

***Violation of Article 6 § 1 (fairness)***

***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), Mr Mirilashvili complained that he did not have a fair trial, notably with regard to the taking and examination of evidence by the domestic courts.

The Court concluded that the defence had been put at a serious disadvantage to the prosecution in respect of the examination of a very important part of the case file, notably certain material from a surveillance operation and written testimonies by several key witnesses. The Court therefore considered that the proceedings in question, taken as a whole, had not satisfied the requirements of a “fair hearing” and held unanimously that there had been a violation of Article 6 § 1. (The judgment is available only in English.)

***Violation of Article 5 § 1***

***Violation of Article 6 § 1 (fairness)***

***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 complained about the unlawfulness of her confinement to a psychiatric hospital. She also alleged that the judicial review of her detention had been unfair, in breach of Article 6 § 1 (right to a fair hearing).

The Court held unanimously that there had been a violation of Article 5 § 1 concerning the unlawfulness of the applicant’s detention as the domestic authorities had not complied with the procedures prescribed by domestic law under the Psychiatric Treatment Act 1992. It further held unanimously that there had been a violation of Article 6 § 1 on account of the unfairness of the judicial proceedings, notably the fact that the psychiatric hospital’s employees had been appointed as experts in the applicant’s case. Ms Shulepova was awarded EUR 4,000 in respect of non-pecuniary damage. (The judgment is available only in English.)

***Violation of Article 2 (investigation)***

***Violation of Article 6 § 1 (fairness)***

***Violation of Article 1 of Protocol No. 1***

***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 alleged that the State failed to secure her husband’s life and to carry out an effective investigation into his death. She also complained

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).

The Court declared inadmissible the applicant's complaint concerning the State's failure to protect her husband's life as no evidence had been provided to prove that the authorities had been notified that her husband's life had been in danger but had failed to take the appropriate measures.

As concerned the investigation, the Court noted in particular that, although the applicant and her neighbour had been interviewed in February 2000 and had given a detailed description of the murderer and indicated his likely whereabouts and connection with rebel fighters, no meaningful efforts had apparently been taken by the authorities to organise a search for that person. Furthermore, the investigation, pending from February 2000 to at least December 2006, had been suspended and reopened on four separate occasions. When having resumed the proceedings, prosecutors had even stated that the investigation had been "superficial and unprofessional" and had ordered certain measures to be taken; there was no indication that those instructions had ever been carried out. The Court therefore held unanimously that there had been a violation of Article 2 on account of the authorities' failure to carry out a thorough and effective investigation into the circumstances surrounding the death of the applicant's husband. The Court further held unanimously that there had been a violation of Article 6 § 1 and Article 1 of Protocol No. 1 on account of the delayed enforcement of the judgment in the applicant's favour awarding her compensation for her husband's death. (The judgment is available only in English.)

***Violation of Article 6 § 1 (length)***  
***Violation of Article 13***

***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 complained about the excessive length of criminal proceedings brought against her for hooliganism.

The Court held unanimously that there had been a violation of Article 6 § 1 on account of the excessive length, more than six years and seven months, of the criminal proceedings against the applicant, and a further violation of Article 13 on account of the lack of an effective remedy in respect of her complaint under Article 6. Ms Farafonova was awarded EUR 1,400 in respect of non-pecuniary damage. (The judgment is available only in English.)

**Repetitive cases**

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

***Two violations of Article 6 § 1 (fairness)***  
***Two violations of Article 1 of Protocol No. 1***

***Alekseyeva v. Russia*** (no. 36153/03)

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

*Antonyuk v. Ukraine* (no. 17022/02)  
*Kacherskaya and Frolova v. Ukraine* (no. 28020/03)  
*Paslen v. Ukraine* (no. 44327/05)  
*Stankovskaya v. Ukraine* (no. 20984/04)

*Violations of Article 6 § 1 (length and fairness)*

*Gogin v. Ukraine* (no. 10398/04)

*Violation of Article 6 § 1 (fairness)*

*Kalashnykov v. Ukraine* (no. 22709/02)

The Court found the above violations in these seven cases concerning the prolonged non-enforcement of judgments in the applicants' favour.

In the case of *Alekseyeva*, the Court found a further violation of each Article concerning the quashing of a final judgment in favour of the applicant by way of supervisory review. In the case of *Gogin*, it also found a further violation of Article 6 § 1 on account of the excessive length of a set of civil proceedings concerning the applicant's complaint that the water supply to the house he rented was unsatisfactory.

The Court held that there was no need to examine the applicants' complaints under Article 13 (right to an effective remedy) in the cases of *Kalashnykov* and *Paslen*.

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

*Tkachev v. Russia* (no. 22551/06)

The Court found the above violations in this case concerning the quashing of a final judgment in favour of the applicant by way of supervisory review.

**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*

*Mylonas v. Cyprus* (no. 14790/06)

*Violation of Article 6 § 1 (length)*

*Typopoiitria 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)

\*\*\*

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**

**Adrien Raif-Meyer** (telephone: 00 33 (0)3 88 41 33 37)

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

**Sania Ivedi** (telephone: 00 33 (0)3 90 21 59 45)

*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.*