

Press release issued by the Registrar

**Chamber judgments concerning
Hungary, Italy, Lithuania, Poland, Romania, Slovakia and Turkey**

The European Court of Human Rights has today notified in writing the following 29 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 6 § 1 (length)

Borsódy and Others v. Hungary (application no. 16054/06)

The applicants, Sándor Borsódy, Tibor Tóth and Károly Fodor, are Hungarian nationals who were born in 1951, 1961 and 1956 respectively and live in Kiskunhalas (Hungary). The case concerned the applicants' complaints about the excessive length - ten years and eight months - of criminal proceedings against them for procuring, which ended with their acquittal. They relied on Article 6 § 1 (right to a fair trial within a reasonable time) of the European Convention on Human Rights. The European Court of Human Rights held unanimously that there had been a violation of Article 6 § 1 of the Convention and that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage which the applicants might have suffered: the protracted nature of the proceedings had benefited the applicants, as key evidence had been lost in the meantime. (The judgment is available only in English.)

Violation of Article 10

Csánics v. Hungary (no. 12188/06)

The applicant, Sándor Csánics, is a Hungarian national who was born in 1955 and lives in Érd (Hungary). The applicant is the chairman of the Trade Union of Value Transporters and Security Workers (*Értékszállítási és Őrzésvédelmi Dolgozók Szakszervezete*). Relying on Articles 10 (freedom of expression), 6 (right to a fair hearing) and 11 (freedom of assembly and association), the applicant complained about domestic court decisions ordering him to rectify assertions he had made in an interview concerning a demonstration organised by his trade union. The Court held unanimously that there had been a violation of Article 10 and awarded Mr Csánics 3,000 euros (EUR) in respect of non-pecuniary damage and EUR 1,000

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.

for costs and expenses. The Court further held that there was no need to examine separately the complaints under Articles 6 and 11. (The judgment is available only in English.)

Violation of Article 7

Violation of Article 1 of Protocol No. 7

Sud Fondi Srl and Others v. Italy (no. 75909/01)

The applicant companies, Sud Fondi srl, Mabar srl and Iema srl, have their head offices in Bari (Italy), where they own land and buildings. Relying on Article 7 (no punishment without law) and on Article 1 of Protocol No. 1 (protection of property), the applicant companies complained that their property had been illegally confiscated. The Court held unanimously that there had been a violation of Article 7 and of Article 1 of Protocol No. 1, as the confiscation had been illegal and unjustified, and awarded each of the applicant companies EUR 10,000 in respect of non-pecuniary damage and EUR 30,000 for costs and expenses. The Court further held that the matter of pecuniary damage was not yet ready for decision. (The judgment is available only in French.)

Violation of Article 8

Zara v. Italy (no. 24424/03)

The applicant, Alfredo Zara, an Italian who was born in 1960, is serving a 30-year sentence in Parma prison (Italy) for murder. As the authorities consider him highly dangerous, he is subject to special conditions of detention. Relying in particular on Article 8 (right to respect for private and family life), Alfredo Zara complained of the continuous restrictions on his right to respect for his family life as a result of the limits on and arrangements for visits by his family. He also complained of failure to respect his correspondence. The Court held unanimously that there had been a violation of Article 8 because of the failure to respect his correspondence and declared inadmissible the remainder of the application. It further held that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage. (The judgment is available only in French.)

Violation of Article 6 § 1 (length)

Norkūnas v. Lithuania (no. 302/05)

The applicant, Viktoras Norkūnas, is a Lithuanian national who was born in 1966 and lives in Vilnius. The case concerned the applicant's complaint about the excessive length of criminal proceedings against him for embezzlement. He relied on Article 6 § 1 (right to a fair trial within a reasonable time). The Court held unanimously that there had been a violation of Article 6 § 1 on account of the excessive length - nearly seven years and five months - of the criminal proceedings, and awarded Mr Norkūnas EUR 2,000 in respect of non-pecuniary damage and EUR 725 for costs and expenses. (The judgment is available only in English.)

Violation of Article 8

Czarnowski v. Poland (no. 28586/03)

The applicant, Edward Czarnowski, is a Polish national who was born in 1963 and lives in Siemirowice (Poland). In July 2003, while the applicant was serving a one-year prison sentence for ill-treating his girlfriend, his father died. The case concerned the applicant's complaint that he was refused compassionate leave from prison to attend his father's funeral. He relied on Article 8 (right to respect for private and family life). The Court held unanimously that there had been a violation of Article 8; it awarded no sum for just satisfaction as the applicant had made no such claim. (The judgment is available only in English.)

Violation of Article 5 § 3

Pakos v. Poland (no. 3252/04)

The applicant, Andrzej Pakos, is a Polish national who was born in 1962. He is currently detained in Katowice Remand Centre on suspicion of drug trafficking as a member of an organised criminal group. Relying on Article 5 § 3 (right to liberty and security), he complained about the excessive length - over six years and nine months - of his detention. The Court held unanimously that there had been a violation of Article 5 § 3 and awarded him EUR 3,500 in respect of non-pecuniary damage. (The judgment is available only in English.)

Violation of Article 6 § 1 (fairness)

Palewski v. Poland (no. 32971/03)

The applicant, Mirosław Palewski, is a Polish national who was born in 1957 and lives in Koszalin (Poland). The case concerned the refusal to exempt the applicant - an insolvent businessman - from court fees in proceedings in which he sued an insurance company. He relied on Article 6 § 1 (right of access to a court). The Court held unanimously that there had been a violation of Article 6 § 1 and awarded Mr Palewski EUR 4,000 in respect of non-pecuniary damage. (The judgment is available only in English.)

Violation of Article 3 (treatment)

Violation of Article 8

Wenerski v. Poland (no. 44369/02)

The applicant, Ernest Wenerski, is a Polish national who was born in 1970. He is currently serving prison sentences after conviction for various offences. Having lost his right eye in 1996, the applicant suffers from severe ophthalmological problems. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complained that he had not received proper ophthalmological care during his detention. He further complained about censorship of his correspondence with the European Court of Human Rights, in breach of Article 8 (right to respect for correspondence). The Court held unanimously that there had been a violation of Article 3 on account of the lack of effective medical treatment provided to the applicant for his right eye. It further held that there had also been a violation of Article 8. Mr Wenerski was awarded EUR 3,500 in respect of non-pecuniary damage. (The judgment is available only in English.)

Violation of Article 5 §§ 3 and 4

Żywicki v. Poland (no. 27992/06)

The applicant, Krystian Żywicki, is a Polish national who was born in 1976 and lives in Szczecin (Poland). In January 2004 the applicant was arrested and remanded in custody on suspicion of drug trafficking. Relying in particular on Article 5 §§ 3 and 4 (right to liberty and security), the applicant complained about the excessive length of his detention and that the Polish courts had failed to examine “speedily” the lawfulness of his detention. The Court held unanimously that there had been a violation of Article 5 § 3 on account of the excessive length - two years and almost nine months - of Mr Żywicki’s detention, and also a violation of Article 5 § 4 on account of the extension of his detention. Mr Żywicki was awarded EUR 2,500 in respect of non-pecuniary damage and EUR 100 for costs and expenses. (The judgment is available only in English.)

No violation of Article 3 (treatment)

Violation of Article 3 (investigation)

Çelik v. Turkey (No. 1) (no. 39324/02)

The applicant, Murat Çelik, is a Turkish national who was born in 1966 and lives in Istanbul. He is a lawyer. The applicant alleged that in February 1999 he was ill-treated by police officers. He relied on Articles 3 (prohibition of inhuman or degrading treatment), 6 (right to a fair hearing), 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination). The Court held, unanimously, that there had been no violation of Article 3 concerning the alleged ill-treatment and, by five votes to two, that there had been a violation of that Article concerning the lack of an effective investigation. It further held that there was no need to examine separately the complaints under Articles 6, 8, 13 and 14. Mr Çelik was awarded EUR 5,000 in respect of non-pecuniary damage and EUR 1,000 for costs and expenses. (The judgment is available only in English.)

Violation of Article 5 §§ 4 and 5

Elğay v. Turkey (no. 18992/03)

The applicant, Turgay Elğay, is a Turkish national who was born in 1983 and lives in Istanbul. In July 2002 he was arrested and detained on remand on suspicion of membership of an illegal organisation, the PKK (the Kurdistan Workers' Party). Relying on Article 5 §§ 4 and 5 (right to liberty and security), the applicant complained about the unlawfulness of his detention. The Court held unanimously that there had been a violation of Article 5 § 4 on account of the lack of a domestic remedy by which Mr Elğay could have challenged the lawfulness of his detention, and a further violation of Article 5 § 5 concerning the lack of an enforceable right to compensation for the breach of his right under Article 5 § 4. (The judgment is available only in English.)

Violation of Article 10

İmza v. Turkey (no. 24748/03)

The applicant, Sedat İmza, a Turkish national who was born in 1977 and lives in Istanbul (Turkey), is the owner and editor in chief of the magazine Özgürlük Dünyası ("World of Freedom"). Relying on Article 10 (freedom of expression), he complained about his criminal conviction for having published statements made by the PKK (the Workers' Party of Kurdistan) and the fact that, as a result, publication of his magazine had been suspended. The Court held unanimously that there had been a violation of Article 10, as the interference with the applicant's freedom of expression had not been justified, particularly in the context of debate on an important matter of public interest. As the applicant had submitted no claim in respect of just satisfaction, the Court held that it was not necessary to make any award in that respect. (The judgment is available only in French.)

Violation of Article 5 § 3

Violation of Article 6 § 1 (length)

Mahmut Yaman v. Turkey (no. 33631/04)

The applicant, Mahmut Yaman, is a Turkish national who was born in 1974 and lives in Tekirdağ (Turkey). In 1999 he was remanded in custody in the framework of an anti-terrorist police operation, then kept in detention and charged with undermining the territorial integrity of the State. The criminal proceedings against him are still pending today. The applicant relied on Articles 5 § 3 (right to liberty and security) and 6 § 1 (right to a fair trial within a reasonable time), complaining about the excessive length – more than nine years – of his detention pending trial and of the proceedings against him. The Court held unanimously that there had been a violation of Articles 5 § 3 and 6 § 1 and awarded the applicant EUR 11,000 in respect of non-pecuniary damage. (The judgment is available only in French.)

Violation of Article 8

Uslu v. Turkey (No. 2) (no. 23815/04)

The applicant, Abdülkadir Uslu, is a Turkish national who was born in 1968 and lives in Istanbul. At the relevant time he was detained at Inebolu Prison. Relying on Article 8 (right to respect for private and family life), the applicant complained about the Turkish authorities' refusal to provide him with a copy of the results of a medical examination he underwent in prison. The Court held unanimously that there had been a violation of Article 8 and that the finding of a violation in itself constituted sufficient just satisfaction for the non-pecuniary damage sustained by the applicant. (The judgment is available only in English.)

Repetitive cases

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

Violation of Article 1 of Protocol No. 1

Pierotti v. Italy (no. 15581/05)

The Court found the above violation in this case on account of the inadequacy of expropriation compensation awarded to the applicants.

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

Dimitriu and Dumitrache v. Romania (no. 35823/03)

Hîrgău and Arsinte v. Romania (no. 252/04)

Nicolescu v. Romania (no. 31153/03)

The Court found the above violations in these three cases concerning the domestic authorities' failure to enforce final judgments in the applicants' favour.

Violation of Article 1 of Protocol No. 1

Alexandrou v. Turkey (no. 16162/90)

Solomonides v. Turkey (no. 16161/90)

Violation of Article 1 of Protocol No. 1
Violation of Article 8

Gavriel v. Turkey (no. 41355/98)

Orphanides v. Turkey (no. 36705/97)

The Court found the above violations in these four cases concerning the applicants' right of access to their property in the northern part of Cyprus. The Court held that the question of the application of Article 41 (just satisfaction) was not ready for decision in any of the cases.

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)

Četvertakas and Others v. Lithuania (no. 16013/02)

Romuald Kozłowski v. Poland (no. 46601/06)

Martikán v. Slovakia (no. 30036/06)

Hamiye Karaduman and Others v. Turkey (no. 9437/04)

Özoğuz v. Turkey (no. 17533/04)

Şerefli and Others v. Turkey (no. 1533/03)

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>).

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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.