

## EUROPEAN COURT OF HUMAN RIGHTS

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### FORTHCOMING CHAMBER JUDGMENTS

31 March and 2 April 2009

The European Court of Human Rights will be notifying in writing 23 Chamber judgments on Tuesday 31 March 2009 and 19 on Thursday 2 April 2009.

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 31 March 2009

***Natunen v. Finland*** (application no. 21022/04)

The applicant, Jari Natunen, is a Finnish national who was born in 1962 and lives in Helsinki. In 2001 Mr Natunen was charged with aggravated drug offences. He was ultimately convicted as charged and sentenced to seven years' imprisonment on the basis of evidence obtained through telephone surveillance. Relying on Article 6 §§ 1 and 3 (b) (right to a fair hearing) of the European Convention on Human Rights, Mr Natunen complains that, because part of the telephone recordings were destroyed at the pre-trial stage, the proceedings against him as a whole were unfair.

***Simaldone v. Italy*** (no. 22644/03)

The applicant, Francesco Simaldone, is an Italian national who was born in 1929 and lives in Benevento (Italy). In 1992 he brought proceedings against his employer seeking reimbursement of the cost of his daily meals. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property) to the Convention, Mr Simaldone complains that the compensation awarded to him under the Pinto Act for the excessive length of those proceedings was insufficient and that it had been paid belatedly.

***Weller v. Hungary*** (no. 44399/05)

The applicants, Lajos Weller, and his twin sons, Dániel and Máté Weller, are Hungarian nationals who were born in 1974 and 2005, respectively, and live in Budapest. Relying on Article 14 (prohibition of discrimination) taken together with Article 8 (right to respect for private and family life), the applicants complain that they were refused maternity benefits in 2005 because the mother of the children was not eligible on account of her nationality.

***Hyde Park and Others v. Moldova*** (no. 33482/06)

***Hyde Park and Others v. Moldova (no. 2)*** (no. 45094/06)

***Hyde Park and Others v. Moldova (no. 3)*** (no. 45095/06)

The applicants are: Hyde Park, a non-governmental organisation registered with the Moldovan Ministry of Justice at the time of the events, which has since discontinued its

registration with the State and was replaced by Hyde Park unincorporated association; and, five Moldovan nationals, Gheorghe Lupușoru, Anatol Hristea-Stan, Mariana Gălescu, Alina Didilică and Oleg Brega. Relying in particular on Article 11 (freedom of assembly and association), the applicants complain that the authorities refused to allow certain of their peaceful demonstrations, namely: in January 2005, before the Romanian Embassy in Chisinau, to protest against the policy of Romania concerning Moldovan students in Romania; in October 2005, in a park in Chișinău, in support of freedom of speech; and, in February 2006, in front of the Parliament, to protest against the non-transparent manner of organising the Eurovision song contest in Moldova.

***Sanoma Uitgevers B.V. v. the Netherlands*** (no. 38224/03)

The applicant, Sanoma Uitgevers B.V., is a limited liability company, specialising in publishing and marketing magazines, incorporated under Dutch law and based in Hoofddorp (the Netherlands). Relying on Article 10 (freedom of expression), the company complains of having been compelled to hand over a CD-ROM that could reveal the identity of journalistic sources who, on the promise of anonymity, had provided information about an illegal street car race which took place in January 2002 and of which the publishing company took pictures.

***A.E. v. Poland*** (no. 14480/04)

The applicant, A.E., is a Libyan national who was born in 1950 and lives in Warsaw. Relying in particular on Article 6 § 1 (right to a fair hearing within a reasonable time), Article 8 (right to respect for private and family life) and Article 2 of Protocol No. 4 (freedom of movement), A.E. complains of the excessive length of criminal proceedings brought against him in December 1999 on suspicion of fraud and of the fact that, in order to secure the proper conduct of the investigation in the proceedings, he was banned from leaving Poland for eight years. As a result, he could not visit his ailing mother or attend his sister's funeral.

***Plonka v. Poland*** (no. 20310/02)

The applicant, Urszula Plonka, is a Polish national who was born in 1949 and lives in Sosnowiec (Poland). In February 2000, she was sentenced to 11 years in prison for having stabbed and killed a colleague with a pair of scissors while under the influence of alcohol. Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial), Ms Plonka complains of not having had a lawyer at the initial stage of the criminal proceedings.

***Wiktorko v. Poland*** (no. 14612/02)

The applicant, Anna Wiktorko, is a Polish national who was born in 1957 and lives in Olsztyn (Poland). In December 1999 Ms Wiktorko, on her way home by taxi, refused to pay the excessive bill unless she was given a proper receipt; instead of taking her home, the taxi driver drove her to a sobering-up centre where she was detained by the centre's employees until the next morning. Relying on Article 3 (prohibition of inhuman or degrading treatment), she alleges that she was insulted, forcibly stripped, beaten and put in a bed with restraining belts for the whole night. She also alleges that the incident was not adequately investigated.

***Ciovică, v. Romania*** (no. 3076/02)

The applicant, Elena Ciovică, is a Romanian national who was born in 1930 and lives in Brașov (Romania). Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 1 of Protocol No. 1 (protection of property), Mrs Ciovică complains that proceedings concerning title to land whose ownership was disputed between her and two other heirs were excessively lengthy and unfair, and of an infringement of her right to peaceful enjoyment of

her possessions, on account of the fact that a decision whereby her title to the land had been initially upheld was later set aside. She further relies on Article 13 (right to an effective remedy), complaining that an appeal she had lodged on points of law had been dismissed.

***Mihuță v. Romania*** (no. 13275/03)

The applicant, Nicușor Mihuță, is a Romanian national who was born in 1965 and lives in Tarragona (Spain). In 2002 he was arrested, charged with illegally appropriating the status of hero of the December 1989 revolution with a view to obtaining tax concessions and remanded in custody. Relying on Article 5 §§ 3 and 4 (right to liberty and security), Mr Mihuță complains of the length of his detention, which, in his submission, had not been justified by the authorities, and of being deprived of any possibility of obtaining a review of the lawfulness of his continuing detention.

***Rache and Ozon v. Romania*** (no. 21468/03)

The applicants, Aurelian-Felix Rache and Sorin-Vasile Ozon, are Romanian nationals who were born in 1973 and 1969 respectively and live in Râmnicu-Sărat (Romania) and Budapest (Hungary). They were formerly journalists working for the satirical weekly *Academia Cațavencu*. In 1999 they were found guilty of defamation and insult following the publication of an article concerning a major producer of carbonated drinks and mineral water. Relying on Article 6 § 1 (right to a fair trial) and Article 10 (freedom of expression), the applicants complain that the courts did not conduct the proceedings diligently and gave insufficient reasons for their conviction.

***Barış v. Turkey*** (no. 26170/03)

The applicant, İlkey Barış, is a Turkish national who was born in 1967 and lives in Istanbul. Relying on Article 5 § 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), Mr Barış complains of the excessive length of the criminal proceedings against him and of his detention pending trial on suspicion of him belonging to an illegal organisation, the Revolutionary Left.

***Can and Gümüş v. Turkey*** (nos. 16777/06 and 2090/07)

The applicants, Mehmet Kadri Can and Mehmet Ziya Gümüş, are Turkish nationals who were born in 1974 and 1975, respectively, and are serving life sentences in Diyarbakır Prison in Turkey for having attempted to undermine the constitutional order of the country. Relying on Article 5 §§ 3 and 4 (right to liberty and security), Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), they complain of having been detained for too long pending and during their trial, of the excessively lengthy criminal proceedings against them, as well as of not having been able to challenge their detention.

***Horoz v. Turkey*** (no. 1639/03)

The applicant, Elif Horoz, is a Turkish national who was born in 1937 and lives in Istanbul. Her son died in 2001 while in prison after going on hunger strike to protest against the introduction of “F-type” prisons, designed to provide living spaces for two to three persons instead of dormitories. Relying on Article 2 (right to life), Mrs Horoz complains that the judicial authorities’ refusal to release her son, contrary to the opinion of the Institute of Forensic Medicine, led to his death.

***Mehmet Sıddık Eren and Others v. Turkey*** (no. 7860/02)

The applicants, Mehmet Sıddık Eren, Tahsin Aydın, Nihat Işıktaş, Reda Umut Bulut, Yılmaz Şehir, Semra Özbey, Selma Tanrikulu and Hangül Özbey are Turkish nationals who were

born in 1979, 1978, 1978, 1983, 1980, 1972, 1964 and 1978 respectively and live in Diyarbakır (Turkey). Relying on Article 5 §§ 3, 4 and 5 (right to liberty and security), they complain of the length of their detention in police custody and the lack of a remedy whereby they could contest its lawfulness and obtain compensation for it.

### **Repetitive cases**

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

#### ***Luminița-Antoaneta Marinescu v. Romania*** (no. 32174/02)

The applicant relies on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property) in connection with proceedings concerning the restitution of a plot of land.

#### ***Ilic v. Romania*** (no. 26061/03)

The applicant relies in particular on Article 6 § 1 (right to a fair trial) concerning proceedings for the recovery of real property.

### ***Just satisfaction***

#### ***Tețu v. Romania*** (no. 10108/02)

The Court held in a judgment of 7 February 2008 that there had been a violation of Article 1 of Protocol No. 1 (protection of property) on account of the sale by the State of a flat claimed by the applicant despite a final court decision upholding his right to its return. When delivering that judgment the Court noted that the question of the application of Article 41 (just satisfaction) was not yet ready for decision.

#### ***Mehmet Siret Atalay v. Turkey*** (no. 3816/03)

#### ***Tınarhoğlu v. Turkey*** (no. 3820/03)

The applicants rely on Article 1 of Protocol No. 1 (protection of property), Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy) in connection with compensation proceedings.

### **Length-of-proceedings case**

In the following case, the applicant complains in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of civil proceedings.

#### ***Toive Lehtinen v. Finland (no. 2)*** (no. 45618/04)

Thursday 2 April 2009

#### ***Muradova v. Azerbaijan*** (no. 22864/05)

The applicant, Mahira Sadraddin qizi Muradova, is an Azerbaijani national who was born in 1949 and lives in Baku. Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy), Ms Muradova alleges that on 16 October 2003 she was hit in the eye with a truncheon by a police officer during a demonstration in support of the opposition presidential candidate, and that the incident was not investigated adequately.

***Belev and Others v. Bulgaria*** (nos. 16354/02, 16485/02, 16878/02, 16885/02, 16886/02, 16889/02, 17333/02, 17340/02, 17344/02, 17613/02, 17725/02, 17726/02, 18410/02, 18413/02, 18414/02, 18416/02, 21023/02, 21024/02, 21027/02, 21029/02, 21030/02, 21033/02, 21038/02, 21052/02, 21071/02, 21284/02, 21378/02, 21800/02, 22430/02, 22433/02, 26478/02, 26498/02, 31049/02, 31333/02, 31518/02, 37816/02, 42567/02, 43529/02, 758/03, 3461/03 and 11219/03)

The applicants are 42 Bulgarian nationals, former employees of the Plama refinery in Pleven (Bulgaria) which went into administration before being wound up in 1999. Relying on Article 6 § 1 (right to a fair trial), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy), the applicants complain of the difficulties they had in obtaining enforcement of final judgments in their favour against their former employer.

***Gavril Georgiev v. Bulgaria*** (no. 31211/03)

The applicant, Gavril Branimirov Georgiev, is a Bulgarian national who was born in 1983 and lives in Popitsa (Bulgaria). At the relevant time he was performing his military service. Relying on Article 5 §§ 1 and 4 (right to liberty and security), Mr Georgiev complains of a disciplinary penalty of four days' detention imposed by the commanding officer of his regiment for beating another soldier and of the lack of domestic remedies whereby he could contest its lawfulness.

***Gikas v. Greece*** (no. 26914/07)

The applicants, Panagiotis Gikas and Georgios Gikas, are Greek nationals who live in Amaroussio and Mandra (Greece) respectively. Relying in particular on Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy), they complain of the administrative authorities' refusal to comply with a decision of the administrative court concerning land belonging to them – intended as the site for a municipal theatre – and of the lack of a remedy whereby they could compel them to do so.

***Kallergis v. Greece*** (no. 37349/07)

The applicant, Georgios Kallergis, is a Greek national who was born in 1975 and lives in Rethymnon (Crete). He was sentenced in 2006 to three years' imprisonment, suspended, and a fine of 15,000 euros for destroying antiquities. Relying on Article 6 § 1 (right to a fair trial), Mr Kallergis complains that the decision to declare his appeal on points of law inadmissible constituted refusal of access to a court.

***Kola v. Greece*** (no. 1483/07)

The applicant, Eduart Kola, is an Albanian national who was born in 1953 and is currently imprisoned in Corfu. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the excessive length of proceedings against him after he was arrested at the Greece-Albania border in possession of 1,923 kilos of cannabis.

***Kydonis v. Greece*** (no. 24444/07)

The applicant, Konstantinos Kydonis, is a Greek national who was born in 1948 and lives on the island of Chios (Greece). He is a journalist and the publisher of the weekly newspaper *Transparence de Chios*. Relying on Article 10 (freedom of expression), he complains of his criminal conviction for defamation after he had published in 2003 an article criticising as illegal the practices of a politician belonging to the *Nea Dimokratia* party.

***Mantzos and Others v. Greece*** (no. 16630/07)

The applicants, Ioannis Mantzos, Evangelos Papakyriakou and Konstantinos Gogoulos, are Greek nationals who were born in 1955, 1952 and 1957 respectively. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), they complain of the excessive length of proceedings concerning their recruitment as technicians by an aeronautical company.

***Vassiliadis v. Greece*** (no. 32086/06)

The applicant, Napoleon Vassiliadis, is a Greek national who was born in 1941 and lives in Kalo Nero Kyparissias (Greece). In connection with proceedings to secure recognition of his title to a plot of land, he relies on Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy), complaining of the excessive length of the proceedings and the lack of a remedy in Greek law whereby he could obtain redress for it. Under Article 1 of Protocol No. 1 (protection of property), read on its own and together with Article 14 (prohibition of discrimination), Mr Vassiliadis further complains of a decision to the effect that the land belongs to the Greek State, which in his submission created inequality of treatment between himself and the State, which acquired the land by adverse possession.

***Dokuyev and Others v. Russia*** (no. 6704/03)

***Dzhabayeva v. Russia*** (no. 13310/04)

***Saydaliyeva and Others v. Russia*** (no. 41498/04)

The applicants in the first case are seven Russian nationals who live in Novye Atagi (Chechen Republic). They are the close relatives of Magomed Dokuyev, born in 1977, who has not been seen since early 14 February 2001 when he and his father, Vakhit Dokuyev, were abducted from their family home by a large group of uniformed armed persons, most of whom were wearing masks. Vakhit Dokuyev was released later that morning.

The applicant in the second case is a Russian national who lives in Urus-Martan (Chechen Republic). She has not seen her husband, Magomed Dzhabayev, born in 1953, since 10 March 2000. The versions of the parties differ as to the circumstances in which he disappeared: while Ms Dzhabayeva alleges that her husband was apprehended in the yard of their house by officers of the Oktyabrskiy Temporary Office of the Interior, the authorities, having opened an investigation, submit that the circumstances surrounding his disappearance have not been established.

The applicants in the third case are three Russian nationals who live in Serzhen-Yurt (Chechen Republic). They are the mother, sister and partner of Vakha Saydaliyev, born in 1976, who has not been seen since the early afternoon of 16 April 2002 when he was abducted from his family home by a large group of armed unidentified persons wearing camouflage uniforms.

The applicants allege that their relatives disappeared after being detained by Russian servicemen and that the domestic authorities failed to carry out an effective investigation into their allegations. They rely, in particular, on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security), 6 § 1 (access to court), 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination).

## **Repetitive cases**

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

***Kravchenko v. Russia*** (no. 34615/02)

***Kuzmina v. Russia*** (no. 15242/04)

The applicants rely on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property) in the context of quashing final judgments in their favour.

## **Length-of-proceedings cases**

In the following cases the applicants complain, in particular under Article 6 § 1 (right to a fair trial within a reasonable time), of the excessive length of civil proceedings. In the ***Vegleris and Bratsas*** case the applicants further rely on Article 13 (right to an effective remedy).

***Bekiari and Others v. Greece*** (no. 28264/07)

***Gogias v. Greece*** (no. 26421/07)

***Kondyli and Others v. Greece*** (no. 35812/07)

***Konstantinidou and Others v. Greece*** (no. 29529/07)

***Vegleris and Bratsas v. Greece*** (no. 17114/07)

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