

Press release issued by the Registrar

**Chamber judgments concerning
Finland, Hungary, Moldova, the Netherlands,
Poland, Romania and Turkey**

The European Court of Human Rights has today notified in writing the following 19 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 14 in connection with Article 8

Weller v. Hungary (application 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 complained that they had been refused maternity benefits in 2005 because the mother of the children had not been eligible on account of her nationality. The European Court of Human Rights held unanimously that there had been a violation, in respect of all applicants, of Article 14 taken together with Article 8 of the Convention, because it found there not to have been a justification for depriving the natural father, a Hungarian national, and the whole family from maternity benefits aimed at supporting its newly born children, on the basis that the children's mother had not had a Hungarian nationality. The Court awarded the applicants, jointly, 720 euros (EUR) in respect of pecuniary damage, EUR 1,500 in respect of non-pecuniary damage and EUR 950 for costs and expenses. (The judgment is available only in English.)

Violations of Article 11

Hyde Park and Others v. Moldova (No. 1) (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,

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.

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 complained that the authorities had 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. The Court held unanimously that in all three cases there had been a violation of Article 11 on account of the competent domestic authorities – the municipality – having rejected Hyde Park’s applications with reasons which had not been provided for in the relevant domestic legislation. The Court awarded the applicants in respect of non-pecuniary damage EUR 3,000 in each case, and EUR 1,000, in each case, for costs and expenses. (The judgments are available only in English.)

No violation of Article 10

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 complained 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 had taken place in January 2002 and of which the publishing company had taken pictures. Having noted that, in principle a compulsory handover of journalistic material might have a chilling effect on the exercise of journalistic freedom of expression, the Court recalled that the domestic authorities were not prevented from balancing conflicting interests including by prosecuting crimes committed by persons who enjoyed the protection of journalistic privilege. The Court found in particular that the information contained on the CD-ROM, which the company had been obliged to hand over to the authorities, had been relevant and capable of identifying the perpetrators of other crimes investigated by the police, that the authorities had only used that information for those purposes, and held, by four votes to three, that there had been no violation of Article 10 in this case. (The judgment is available only in English.)

Violation of Article 6 § 1 (length)

Violation of Article 2 § 2 of Protocol No. 4

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. complained 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 had been banned from leaving Poland for eight years. As a result, he could not visit his ailing mother or attend his sister’s funeral. The Court held unanimously that there had been: a violation of Article 6 § 1 on account of the excessive length, over nine years, of the criminal proceedings against A.E.; a violation of Article 2 § 2 of Protocol No. 4 on account of the authorities not having reassessed sufficiently frequently the ban on him leaving the country; and that there was no need to examine separately the complaint under Article 8. The Court awarded A.E. EUR 8,000 in respect of non-pecuniary damage and EUR 150 for costs and expenses. (The judgment is available only in English.)

Violation of Article 6 § 1 in connection with Article 6 § 3 (c)

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 complained of not having had a lawyer at the initial stage of the criminal proceedings. The Court held unanimously that there had been a violation of Article 6 § 1 in connection with Article 6 § 3 (c), as Ms Plonka had not been assisted by a lawyer at the beginning of the proceedings and there had been no evidence of her having waived expressly her right to legal representation. The Court awarded the applicant EUR 2,000 in respect of non-pecuniary damage. (The judgment is available only in English.)

Violation of Article 6 § 1 (fairness)

Two violations of Article 1 of Protocol No. 1

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

The applicant, Ms Luminița-Antoaneta Marinescu, is a Romanian national who was born in 1947 and lives in Bucharest. Following the enactment of law no. 18/1991 on the land fund, the applicant requested, in her capacity as heir, the restitution of land which had belonged to her grandfather and had been taken by the State prior to 1989. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 1 of Protocol No. 1 (protection of property), she complained about the failure to execute a decision in her favour ordering that she be given possession of one of the plots of land, and the partial cancellation of the title deeds concerning another plot. The Court concluded unanimously that there had been a violation of Article 6 § 1 and Article 1 of Protocol No. 1 and awarded the applicant EUR 80,000 and EUR 4,000 in respect of pecuniary and non-pecuniary damage respectively. (The judgment is available only in French.)

Violation of Article 5 §§ 3 and 4

Mihuță v. Romania (no. 13275/03)

The applicant, Nicușor Mihață, 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 with a view to obtaining tax concessions, and placed in pre-trial detention. Relying on Article 5 §§ 3 and 4 (right to liberty and security), Mr Mihață complained of the length of the 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. The Court concluded, unanimously, that there had been a violation of Article 5 §§ 3 and 4, on the ground that the authorities had not sufficiently justified the need to prolong the detention, which had lasted ten months and three weeks, that they had not examined alternative measures and that the applicant had been deprived of an effective remedy before a court. The applicant was awarded EUR 3,000 in respect of non-pecuniary damage and EUR 150 for costs and expenses. (The judgment is available only in French.)

Violation of Article 6 § 1 (fairness)

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 and Bucharest (Romania). In 1999, while working as journalists at the satirical weekly *Academia*

Cațavencu, they were tried for the offences of defamation and insult following the publication of an article concerning a majority shareholder of a company which is one of the main producers of carbonated drinks and mineral water in Romania. Although acquitted of the criminal charges, the applicants were ordered by the courts to pay non-pecuniary damages for tortious liability. Relying in particular on Article 6 § 1 (right to a fair trial), the applicants complained that insufficient grounds had been put forward to justify their conviction. The Court concluded unanimously that there had been a violation of Article 6 § 1, as the courts had not given sufficient reasons for their decisions and had not given the applicants' case a fair hearing. The Court considered that it was not necessary to examine the complaint under Article 10. The applicants had submitted no claim for just satisfaction within the deadline fixed by the Court. (The judgment is available only in French.)

Violation of Article 5 § 3
Violation of Article 6 § 1 (length)

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), Ms Barış complained of the excessive length of the criminal proceedings against her and of her detention pending trial on suspicion of her belonging to an illegal organisation, the Revolutionary Left. The Court held unanimously that there had been a violation of Article 5 § 3 on account of the excessive length – over ten years and five months - of Ms Barış's detention, and a violation of Article 6 § 1 on account of the length of the criminal proceedings, over fourteen years and nine months, against her. The Court awarded her EUR 15,000 in respect of non-pecuniary damage and EUR 120 for costs and expenses. (The judgment is available only in English.)

Violation of Article 5 §§ 3 and 4
Violation of Article 6 § 1 (length)
Violation of Article 13

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 complained 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. The Court held unanimously that there had been a violation of Article 5 §§ 3 and 4 on account of the excessively long periods for which they had been detained pending trial – eleven and over six and a half years respectively, and of them not having been able to challenge that. The Court further found violations of Articles 6 § 1 and 13 on account of the excessively long criminal proceedings against the applicants, fourteen and over nine and a half years respectively, and of the fact that they could not have challenged it in the domestic legal system. In respect of non-pecuniary damage, the Court awarded EUR 18,000 to Mr Can and EUR 10,000 to Mr Gümüş. (The judgment is available only in English.)

Violation of Article 5 §§ 3, 4 and 5

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 complained 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. The Court concluded unanimously that there had been a violation of Article 5 §§ 3, 4 and 5, as the applicants had been deprived of their liberty without judicial review had exceeded four days and six hours, and Turkish law had not provided a remedy for the alleged violations. In respect of non-pecuniary damage, it awarded EUR 2,500 each to Nihat Işıktaş, Reda Umut Bulut, Selma Tanrikulu, Yılmaz Şehir and Tahsin Aydın, and EUR 2,000 to Semra Özbey and Hangül Özbey. (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 6 § 1 (fairness)

Ilic v. Romania (no. 26061/03)

The Court found the above violation in this case concerning the annulment by the domestic courts of an appeal lodged by the applicant because she had not paid stamp duty.

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). In its judgment today, the Court concluded that the Romanian State was to return the applicant's flat, which had been sold to tenants, and that, failing such restitution, it was to pay him EUR 55,000. The Court awarded the applicant EUR 3,000 in respect of non-pecuniary damage.

Violation of Article 1 of Protocol No. 1

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

Tınarlıoğlu v. Turkey (no. 3820/03)

The Court found the above violation in these two cases concerning the applicants' complaints about delays in payment of additional compensation for expropriation of land.

Length-of-proceedings cases

In the following cases, the applicants complained in particular about the excessive length of (non-criminal) proceedings. The remainder of the application in the case of ***Ciovică*** was declared inadmissible.

Violation of Article 6 § 1 (length)

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

Ciovică v. Romania (no. 3076/02)

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.