



Judgments¹ concerning Finland, Italy, Moldova, Poland, Portugal, Romania and Turkey

The European Court of Human Rights has today notified in writing the following 19 judgments.

Repetitive cases² and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release. The judgments available only in French are indicated with an asterisk (*).

Harju v. Finland (application no. 56716/09) Heino v. Finland (no. 56720/09)

The applicants, Anu Orvokki Harju and Tuija Heino, are two Finnish nationals who were born in 1967 and 1955 respectively and live in Helsinki. Ms Harju, under suspicion of organising illegal immigration, and, Ms Heino, an attorney whose client's spouse was under police investigation, both complained that the related searches of their home/office in 2009 had been unlawful since they had been carried out without prior judicial warrant. They also alleged that there had been no possibility to then obtain effective judicial review of either the decision to order the searches or the manner in which it had been conducted. They relied in particular on Article 8 (right to respect for private and family life the home and correspondence) of the European Convention on Human Rights.

(Both cases) Violation of Article 8

Just satisfaction

- non-pecuniary damage: to Ms Harju 3,000 euros EUR, and to Ms Heino EUR 4,000
- costs and expenses: EUR 2,500, each

Rotaru v. Moldova (no. 51216/06)

The applicant, Veaceslav Rotaru, is a Moldovan national who was born in 1977 and lives in Taraclia (Moldova). Convicted of theft and robbery in March 2006, Mr Rotaru alleged that he had been tortured into confessing those crimes when arrested in February 2003. He further complained about the ensuing conditions of his detention – overcrowding, damp cells and insufficient, poor food – which had resulted in his contracting tuberculosis. He relied on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention.

Violation of Article 3 (prohibition of inhuman or degrading treatment) **Violation of Article 13**

1 Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following their delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

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

Just satisfaction: no claim made by the applicant within time-limit, EUR 850 by way of legal aid from the Council of Europe (costs and expenses)

Rosca Anton Cătălin v. Romania (no. 24857/03)*

The applicant, Anton Cătălin Roșca, is a Romanian national who was born in 1961 and lives in Iași (Romania). In 2002 he was arrested in the act of stealing a banknote from a bus passenger's pocket. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he alleged that he had been ill-treated during police questioning in connection with the offence and complained of the absence of an effective investigation in that regard.

No violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 3 (lack of effective investigation)

Just satisfaction: no claim made by the applicant

Çamyar and Berktaş v. Turkey (no. 41959/02)

The applicants, Elif Çamyar and Nevin Berktaş, are two Turkish nationals who were born in 1968 and 1958 respectively and live in Turkey. Ms Çamyar is the publisher and Ms Berktaş the author of a book, *Hücreler* ("cells"), which is generally critical of the penitentiary system in Turkey. Relying on Article 10 (freedom of expression), they complained about their conviction in November 2001 for making propaganda about an illegal armed organisation, TIKB (*Bolşevik*) through their book. They also alleged that the proceedings against them had been unfair as the Chief Public Prosecutor's opinion submitted to the Court of Cassation on their case had not been communicated to them, in violation of Article 6 § 1 (right to a fair trial).

(Both applicants) Violation of Article 10

(Both applicants) Violation of Article 6 § 1 (fairness)

Just satisfaction: EUR 15,000, each (non-pecuniary damage)

Fetullah Akpolat v. Turkey (no. 22077/03)

The applicant, Fetullah Akpolat, is a Turkish national who was born in 1970 and, at the time of his application to the Court, was detained in Üsküdar Prison on charges of membership of the PKK (Kurdistan Workers' Party, an illegal organisation). Relying on Article 5 § 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), he complained about the excessive length both of his pre-trial detention as well as of the criminal proceedings against him. He also complained under Article 8 (right to respect for private and family life and correspondence) about the prison authorities' seizure of his correspondence it considered PKK propaganda.

Violation of Article 5 § 3

Violation of Article 6 § 1 (length)

Violation of Article 8

Just satisfaction: EUR 16,000 (non-pecuniary damage)

Moghaddas v. Turkey (no. 46134/08)

The applicant, Ali Moghaddas, is an Iranian national who was born in 1966 and lives in Switzerland. A former member of the People's Mojahedin Organisation of Iran, Mr Moghaddas was rescued and arrested in September 2008 by Turkish coastguards while attempting to escape from Turkey to Greece by boat. The case concerned his complaint about his ensuing deportation to Iraq despite the risk he ran there of inhuman and degrading treatment and *refoulement* to Iran, where he was likely to be tortured and executed. He also complained about the unlawfulness and deplorable conditions of

his detention at Güzelçamlı gendarmerie station before his deportation. He relied in particular on Article 5 §§ 1, 2 and 4 (right to liberty and security). Having fled Iraq, he arrived in Switzerland in September 2009.

Violation of Article 5 §§ 1, 2 and 4

Just satisfaction: EUR 9,000 (non-pecuniary damage), and EUR 3,500 (costs and expenses)

Repetitive cases

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

di Cecco v. Italy (no. 28169/06)*

This case concerned, in particular, the complaint made by the applicant (sentenced to 25 years' imprisonment for involvement in the activities of the Red Brigade terrorist organisation) regarding the monitoring of his correspondence with the Court while he was in prison. He relied in particular on Article 8 (right to respect for correspondence).

Violation of Article 8

Revision

Dyller v. Poland (no. 39842/05)

In a judgment of 7 July 2009 the Court held that there had been a violation of Article 5 § 3 (right to liberty and security) on account of the unreasonable length of Mr Dyller's pre-trial detention. The Government requested revision of this judgment which they had been unable to execute because the applicant had died before it could be adopted. In its judgment today, the Court considered that the award of EUR 2,000 in respect of non-pecuniary damage made to the deceased applicant should be paid to his mother.

Ściebura v. Poland (no. 39412/08)

Rahman v. Turkey (no. 9572/05)*

These cases concerned the applicants' complaints about the excessive length of their pre-trial detention in connection with several counts of armed robbery committed in an organised criminal group (first case) and murder, attempted murder and robbery (second case). In both cases, the applicants relied on Article 5 § 3 (right to liberty and security). Mr Rahman also relied on Article 6 § 1 (right to a fair trial within a reasonable time).

(Mr Ściebura) No violation of Article 5 § 3

(Mr Rahman) Violation of Article 5 § 3

(Mr Rahman) Violation of Article 6 § 1 (length)

Graça Pina v. Portugal (no. 59423/09)*

This case concerned the delay in calculating and paying the expropriation compensation awarded to the applicant. She relied, in particular, on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Mustafa Kemal Özdemir and Others v. Turkey (nos. 3724/06, 6598/06, 7369/06, 7370/06, 7371/06, 7479/06, 8204/06, 8996/06 and 8999/06)*

Okul and Karaköse v. Turkey (no. 37300/05)*

Zeki Şimşek v. Turkey (no. 2409/06)*

These cases concerned the applicants' complaint that the authorities had deprived them of their property without paying compensation. They relied, in particular, on Article 1 of Protocol No. 1 (protection of property).

(All cases) Violation of Article 1 of Protocol No. 1

Türkkan v. Turkey (no. 8774/06)*

In this case, the applicant complained that he had been deprived of his property, designated as forest land, without compensation. He relied on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Length-of-proceedings cases

In the following cases, the applicants complained in particular about the excessive length of legal proceedings.

Criminal

Kalle Kangasluoma v. Finland (no. 5635/09)

This case concerned in particular the applicant's complaint concerning the excessive length of criminal proceedings brought against him for aggravated fraud and embezzlement.

Violation of Article 6 § 1

Non-criminal

Bubláková v. Slovakia (no. 17763/07)

Akat and Kaynar v. Turkey (nos. 34740/04 and 2399/06)*

Violation of Article 6 § 1 – both cases

Violation of Article 13 – first case

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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.