



Judgments¹ concerning Bulgaria, Croatia, Greece, Latvia, Lithuania, Netherlands, Romania, Russia, "the former Yugoslav Republic of Macedonia" and Turkey

The European Court of Human Rights has today notified in writing the following 20 judgments, which are not final.

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 (*).

Holevich v. Bulgaria (application no. 25805/05)

The applicants, Neli and Alexander Holevich, husband and wife, are Bulgarian nationals who were born in 1946 and 1947 respectively and live in Sofia. Relying in particular on Articles 6 § 1 (right to a fair hearing within a reasonable time) and 13 (right to an effective remedy) of the European Convention on Human Rights, they complained about the excessive length of proceedings they had brought to complain that a State-owned apartment which they had bought in 1990 had then been given up for tenancy to another family by their municipality.

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

Just satisfaction: 3,200 euros (EUR) (non-pecuniary damage) and EUR 900 (400 of which to be paid directly to the lawyer) (costs and expenses)

Stoycheva v. Bulgaria (no. 43590/04)

The applicant, Veska Stoycheva, is a Bulgarian national who was born in 1937 and lives in Plovdiv (Bulgaria). The case concerned her complaint about the authorities' failure to enforce a final court judgment of 1997 restoring to her a plot of land which had been expropriated during the communist regime. She relied on Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy).

Violation of Article 1 Protocol No.1
Violation of Article 13

Just satisfaction: EUR 2,000 (pecuniary damage), EUR 2,200 (non-pecuniary damage) and EUR 1,500 to be paid directly to the lawyer (costs and expenses)

1 Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's 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.

Majski v. Croatia (No.2) (no. 16924/08)

The applicant, Radovan Majski, is a Croatian national who was born in 1949 and lives in Vukovar (Croatia). A candidate for a post in the Vukovar Attorney's Office, he complained about the domestic courts' refusal to examine on the merits a case he had brought to contest the decision appointing someone else to the post. He relied on Article 6 § 1 (right of access to a court).

Violation of Article 6 § 1 (access to a court)

Just satisfaction: EUR 3,000 (non-pecuniary damage)

Varfis v. Greece (no. 40409/08)

The applicant, Spyridonas Varfis, is a Greek national who was born in 1944 and lives in Athens. In 1986 he acquired a plot of building land in Marathon. Two years later a presidential decree classified the land as part of an environmentally protected area, where construction was restricted to sports and leisure facilities and mountain refuges. Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, he complained about the restrictions that were placed on his property without any payment of compensation, and about a judgment of the Supreme Administrative Court dismissing his application for judicial review.

Violation of Article 1 Protocol No.1

Just satisfaction: question reserved

L.M. v. Latvia (no. 26000/02)

The applicant, L.M., is a permanently resident non-citizen of the Republic of Latvia who was born in 1972 and lives in Liepāja (Latvia). Relying in particular on Article 5 § 1 (right to liberty and security), she complained about her internment in a psychiatric hospital for a month following her threatening to jump out of her fifth-floor flat in March 1999. She was subsequently diagnosed with paranoid schizophrenia.

Violation of Article 5 § 1

Just satisfaction: EUR 9,000 (non-pecuniary damage) and EUR 200 (costs and expenses)

Jelcovas v. Lithuania (no. 16913/04)

The applicant, Voldemaras Jelcovas, is a Lithuanian national who was born in 1965 and lives in Telšiai (Lithuania). Relying in particular on Article 6 §§ 1 and 3 (right of access to a court and right to a fair hearing), he complained about irregularities in criminal proceedings against him for robbery and murder. He alleged, among other things, that he was not allowed to take part in a Supreme Court hearing in either set of criminal proceedings against him and that he was not assisted by a lawyer to prepare his appeal on points of law in the case against him for robbery.

Violation 6 § 1 (participation in the hearing)

Violation 6 §§ 1 and 3 (assistance by a lawyer)

Just satisfaction: EUR 4,800 (non-pecuniary damage).

Van Velden v. the Netherlands (no. 30666/08)

The applicant, Robertus Gemma Maria van Velden, is a Dutch national who was born in 1948 and lives in Rotterdam (the Netherlands). Caught in the act in November 2007 of trying to withdraw money from someone else's bank account using a forged identity document, Mr van Velden complained that the domestic courts extended unlawfully an order for his detention on remand. He relied on Article 5 § 4 (right to liberty and security).

Violation of Article 5 § 4

Just satisfaction: EUR 1,000 (non-pecuniary damage).

C.B. v. Romania (no. 21207/03)

Revision

The applicant, C.B., was a Romanian national who was born in 1960 and lived in Bucharest. In a [judgment](#) of 20 April 2010, the Court found a violation of Article 5 §§ 1 (e) and 4 (right to liberty and security) of the Convention on account of the unlawful detention of the applicant, who had been charged with maliciously accusing a police officer. The Romanian Government requested the revision of the judgment on the ground that the applicant had died before it was adopted. In today's judgment, the Court accepted the revision only as far as Article 41 was concerned, and decided not to allow any just satisfaction.

Jarnea v. Romania (no. 41838/05)

The applicant, Ioan Jarnea, is a Romanian and American national who was born in 1940 and lives in Bucharest. In 2001 he applied to the National Council for the Study of the Archives of the *Securitate*, a body set up under a 1999 law on citizens' access to personal files held on them by the *Securitate* (the former secret services under the totalitarian regime), and requested access to his personal file. Relying on Article 8 (right to respect for private and family life), he complained that his right of access to the file was hindered.

Violation of Article 8

Just satisfaction: EUR 5,000 (non-pecuniary damage) and EUR 200 (costs and expenses)

Rupa v. Romania (no. 2) (no. 37971/02)

The applicant, Vili Rupa, is a Romanian national who was born in 1973 and lives in Hunedoara (Romania). In 2000, after refusing to submit to an identity check in the street, he hit a police officer and damaged the latter's vehicle. Criminal proceedings were instituted against him. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), he complained that he had been beaten during the questioning, that no effective investigation had been carried out into the incident and that he had not had an effective remedy in respect of his complaint. In addition, relying mainly on Article 6 §§ 1 and 3 (right to a fair hearing), he alleged in particular that the public prosecutor had refused him the assistance of a lawyer of his own choosing and that his State-appointed lawyer had not assisted him adequately.

No violation of Article 3 (ill-treatment)

Violation of Article 3 (investigation)

No violation of Article 6 §§ 1 and 3 c

Violation of Article 13

Just satisfaction: EUR 5,200 (non-pecuniary damage) and EUR 5,000 to be paid directly to the lawyer (costs and expenses)

Buldakov v. Russia (no. 23294/05)

The applicant, Andrey Buldakov, is a Russian national who was born in 1975 and is currently serving a 13-year prison sentence in Chernooerchenskiy (Komi Republic, Russia) for aggravated robbery. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complained about the excessive length of the criminal proceedings against him. He also alleged under Article 34 (right of individual petition) that the prison administration in the remand centre where he was being held had not dispatched his application form with the attachments which he had tried to send to the European Court in July 2005.

No violation of Article 6 § 1

Violation of Article 34

Just satisfaction: EUR 3,000 (non-pecuniary damage)

Gubiyev v. Russia (no. 29309/03)

The applicant, Suleyman Gubiyev, is a Russian national who was born in 1934 and lives in the village of Chechen-Aul (Chechen Republic). Mr Gubiyev complained that Russian servicemen had blow up a mill he owned and damaged his nearby petrol station when carrying out a special operation in Chechen-Aul in July 2000 and that the domestic courts had subsequently refused to award him compensation. He relied in particular on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 Protocol No 1

Just satisfaction: EUR 340,000 (pecuniary damage), EUR 6,000 (non-pecuniary damage) and EUR 4,500 (costs and expenses)

Kondratishko and Others v. Russia (no. 3937/03)

The applicants, Aleksandr Kondratishko, Aleksandr Burdeyev, Dmitriy Tsygankov, Sergey Kokhan and Sergey Kondratishko, are five Russian nationals who were born in 1973, 1967, 1973, 1974 and 1971 respectively. They are from the Bryansk Region (Russia). In July 2002 they were all convicted of, among other offences, robbery, unlawful deprivation of liberty and banditry and given prison sentences varying from six to 23 years. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), all the applicants complained about the excessive length of the criminal proceedings against them. Mr Tsygankov further alleged under Article 3 (prohibition of inhuman or degrading treatment) that he had been beaten and threatened by police officers both during his arrest in March 1999 and subsequently at the police station in order to force him to confess. Mr Kondratishko, also relying on Article 3, complained about the conditions of his detention on remand between March 1999 and November 2002, notably on account of overcrowding.

Violation of Article 3 (conditions of detention from March 1999 to November 2002) concerning the first applicant

Violation of Article 3 (ill-treatment and lack of effective investigation) concerning the third applicant

Violation of Article 6 (length) concerning the four first applicants

Just satisfaction: EUR 15,000 to the first applicant and 18,000 to the third applicant (non-pecuniary damage).

Parlak v. Turkey (no. 22459/04)

The applicant, Ahmet Parlak, is a Turkish national who was born in 1971 and lives in Istanbul. In 2004, while he was wanted by the police, police officers tried to apprehend him in the centre of Istanbul. He allegedly put up resistance and was wounded by a police officer. He was taken to hospital immediately. A magistrate remanded him in custody in his absence and his detention was subsequently extended. He alleged, in particular, under Article 5 §§ 3 and 5 (right to liberty and security), that he had not been brought promptly before a judge after his arrest and that he had not had an effective remedy by which he could have obtained compensation for his unlawful deprivation of liberty.

Violation of Article 5 §§ 3 and 5

Just satisfaction: EUR 5,000 (non-pecuniary damage)

Goggins and Others v. United Kingdom (nos. 30089/04, 14449/06, 24968/07, 13870/08, 36363/08, 23499/09, 43852/09 and 64027/09)

The applicants, Ciaron Goggins, John Day, Michael Jackson, Christopher Scott, Guled Michael, Carol Castley-Turner, Darren Coates and Jonathan Bennetts, are eight British nationals who were born in 1961, 1964, 1953, 1952, 1977, 1950, 1971 and 1971 respectively and live in the United Kingdom. Relying in particular on Article 8 (right to respect for private and family life), all the applicants complained about the collection and retention of their DNA samples, fingerprints and associated data despite either being acquitted of criminal charges brought against them or having criminal proceedings against them dropped

Striking out. The Government admitted that Article 8 had been violated and made certain undertakings.

Repetitive cases

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

Leca and Filipescu v. Romania (nos. 27949/04 and 30324/04)

This case concerned the quashing of final court decisions in the applicants' favour. They relied on Article 6 § 1 (right to a fair hearing).

Violation of Article 6 § 1

Belokopytova v. Russia (no. 39178/04)

Dreyer v. "the former Yugoslav Republic of Macedonia" (no. 2040/04)

Violation of Article 6 § 1 in both cases

Length-of-proceedings cases

In the following cases, the applicants complained in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings

Dimova and Minkova v. Bulgaria (no. 30481/05)

Kaggos v. Greece (no. 64867/09)

Violation of Article 6 § 1 in both cases

Violation of Article 13 in both cases

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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.