



Judgments¹ concerning Moldova, Poland, Romania, Russia and Turkey

The European Court of Human Rights has today notified in writing the following ten judgments, none of which are final.

One length-of-proceedings case (*Medeni Uğur v. Turkey*), 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 (*).

Brega and Others v. Moldova (application no. 61485/08)

The applicants, Ghenadie Brega, Anatolie Hristea-Stan, Gheorghe Lupusoru and Vasile Costiuc, are Moldovan nationals who were born in 1975, 1953, 1969 and 1981, respectively. They are all members of Hyde Park, a Chişinău-based non-governmental organisation which lobbies for freedom of expression and the right to free assembly. Relying in particular on Article 5 § 1 (right to liberty and security) and Article 11 (freedom of assembly and association), they complained about their arrests during a number of protests at various well-known spots in Chişinău between March 2008 and February 2009. Arrested for insulting the police and resisting arrest, they were released within hours and subsequently acquitted of all charges against them. The applicants submitted video footage of each arrest to show that the accusations against them were false.

Violation of Article 5 § 1 **Violation of Article 11**

Just satisfaction: 10,000 euros (EUR) (non-pecuniary damage) to Mr Brega, EUR 5,000 (non-pecuniary damage) to Mr Hristea-Stan, Mr Lupusoru and Mr Costiuc, each; and EUR 1,600 (costs and expenses) jointly to all applicants.

Feraru v. Moldova (no. 55792/08)

The applicant, Mihai Feraru, is a Moldovan national who was born in 1974 and lives in Migieşti (Moldova). He is a tradesman specialised in installing roof drainage systems. He was arrested on 29 September 2008 on charges of insulting a police officer and, a few days later, was charged with defrauding a client. He spent six nights in the local police station in Chişinău before being transferred to the General Police Department where he was detained until his release on 11 November 2008. Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security), he complained that he had been arrested in the absence of a reasonable suspicion that he had committed a crime, that the courts then had not given relevant and sufficient reasons for ordering and continuing his detention and that a witness had not been heard when deciding on the need to detain him pending trial.

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

Further relying on Article 3 (prohibition of inhuman or degrading treatment), he also complained about the conditions of his detention in both facilities where he had been held, notably as concerned severe overcrowding, lack of furniture and food as well as no or very poor sanitary facilities.

Violation of Article 3

No violation of Article 5 § 1

Violation of Article 5 § 3

Violation of Article 5 § 4

Just satisfaction: EUR 7,000 (non-pecuniary damage)

Miażdżyk v. Poland (no. 23592/07)

The applicant, Edmond Miażdżyk, is a French national who was born in 1950 and lives in Poznań (Poland). In November 2004 he was arrested and placed in pre-trial detention on charges of running an organised criminal group, which involved fraud, stealing cars and handling stolen goods. Released in November 2005, he was banned indefinitely from leaving Poland. Relying on Article 2 § 2 of Protocol No. 4 (freedom of movement), he complained that the ban had not been lifted until five years and two months later, despite his family – including his three children – friends and business being based in France. The criminal proceedings against him in Poland are still pending.

Violation of Article 2 of Protocol No. 4

Just satisfaction: EUR 4,000 (non-pecuniary damage) and EUR 1,500 (costs and expenses)

Just satisfaction

Costăchescu v. Romania (no. 37805/05)*

The case concerned the Romanian authorities' failure to enforce a final judgment in favour of the applicant, Viorica Costăchescu. In a [judgment of 29 September 2009](#), the Court found a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 as a result of the local authorities' refusal to enforce the judgment of the Bucharest Court of First Instance. It reserved the question of application of Article 41 (just satisfaction). In today's judgment, the Court held that Romania was to pay the applicant EUR 6,000 in respect of pecuniary and non-pecuniary damage.

Toma v. Romania (no. 1051/06)

The applicant, Mihai Toma, is a Romanian national who was born in 1948 and lives in Târgu-Jiu (Romania). Relying in particular on Article 7 (no punishment without law), he complained that his driving licence was annulled in 2004, almost ten years after he had been stopped for drink-driving and in application of a law that did not exist at the time of his offence.

Violation of Article 7

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

Dmitriyev v. Russia (no. 13418/03)

The applicant, Nikolay Dmitriyev, is a Russian national who was born in 1968 and lives in St Petersburg (Russia). The case concerned his allegation that he had been punched and

kicked on 8 December 2001 by two local policemen who had come to his family's flat to serve a summons on him following a complaint that he had beaten up a neighbour. Forcibly arrested and taken to the local police station, he was released two days' later. He was subsequently convicted in October 2002 of affray in connection with the incident involving his neighbour. Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), he complained about the police brutality to which he had been subjected on 8 December 2001 and the fact that the authorities had failed to properly investigate this complaint. Further relying on Article 5 (right to liberty and security) and Article 8 (right to respect for private and family life), he also alleged that the police had failed to follow domestic procedure when entering his home and forcing the door to his room and that his ensuing arrest and detention from 8 to 10 December had been unlawful.

No violation of Article 3 (treatment)

Violation of Article 3 (investigation)

Violation of Article 5 (on account of the applicant's arbitrary arrest and detention between 8 and 10 December 2001)

Violation of Article 8 (on account of the unlawful entry by the policemen to the applicant's room on 8 December 2001)

Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 100 (costs and expenses)

Mitrokhin v. Russia (no. 35648/04)

The applicant, Aleksandr Mitrokhin, is a Russian national who was born in 1973 and is serving a prison sentence for various offences, including murder and robbery, in the Altai Region (Russia). Relying on Article 3 (prohibition of inhuman or degrading treatment), he complained that he had been detained in appalling conditions pending investigation and trial in the criminal case opened against him in October 2001.

Violation of Article 3

Just satisfaction: EUR 6,000 (non-pecuniary damage)

Nechto v. Russia (no. 24893/05)

The applicant, Andrey Nechto, is a Russian national who was born in 1970 and is currently serving a prison sentence in the town of Nerchinsk, the Chita Region (Russia). Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 (right to a fair trial), he complained that he had been beaten by the police after his arrest in October 2002 on suspicion of robbery, that he had not been able to examine some prosecution witnesses during the criminal trial against him, that he had not had a lawyer during the pre-trial investigation and that the Russian courts had not correctly assessed the evidence in his case.

Violation of Article 3 (investigation)

No violation of Article 3 (treatment)

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

Violation of Article 6 § 3 (d) taken together with Article 6 § 1

Just satisfaction: EUR 6,000 (non-pecuniary damage)

Valeriy Samoylov v. Russia (no. 57541/09)

The applicant, Valeriy Samoylov, is a Russian national who was born in 1958 and is detained in Russia. A retired Moscow district prosecutor, he was accused in March 2008

of large-scale embezzlement and abuse of power committed by an organised criminal group which involved public officials. He was arrested in April 2008 in a hospital where he was being treated and his subsequent detention pending trial was authorised by the courts. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 §§ 1 and 3 (right to liberty and security), he complained about inadequate medical care in detention as well as the unlawfulness of his arrest and the excessive length of his detention pending the investigation and trial against him.

No violation of Article 3

Violation of Article 5 § 3

Just satisfaction: EUR 2,500 (non-pecuniary damage)

Length-of-proceedings case

In the following case, the applicant complained in particular about the excessive length of criminal proceedings against him as a member of an illegal armed organisation, and of the lack of a domestic remedy in respect of that complaint.

Medeni Uğur v. Turkey (no. 49651/06)*

Violation of Article 5 § 3 (length of provisional detention)

Violation of Article 6

Violation of Article 13

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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.