



Judgments concerning Armenia, Croatia, Italy, "the former Yugoslav Republic of Macedonia", the Netherlands, Romania, Russia, Slovakia and Turkey

The European Court of Human Rights has today notified in writing the following 15 judgments, two of which (in italics) are Committee judgments and are final. The others are Chamber judgments¹ and are not final.

The judgments in French are indicated with an asterisk (*).

Grigoryan v. Armenia (application no. 3627/06)

The applicant, Vahe Grigoryan, is an Armenian national who was born in 1975 and lives in Yerevan. Relying on Article 5 §§ 1 and 3 (right to liberty and security), he complained that he had been unlawfully deprived of his liberty for about seven hours between 10 and 11 October 2005 following the expiry of his lawful arrest on suspicion of misappropriating a large sum of money, and that the domestic courts failed to justify his continued detention. Relying further in particular on Article 6 § 1 (right to a fair trial), he also complained that the criminal proceedings against him had been too long.

No violation of Article 5 § 1

Violation of Article 6 § 1

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

Krasniqi v. Croatia (no. 4137/10)

The applicant, Zenel Krasniqi, was born in 1959 and lives in Sisak (Croatia). He was found guilty of committing four murders and was sentenced, in his absence in March 1999, to 20 years in prison. Following a search for him, he was arrested in Germany in April 2006 and extradited to Croatia where he was placed in pre-trial detention in February 2007 as the criminal proceedings against him had been reopened. Relying in particular on Article 5 § 1 (right to liberty and security), he complained that part of his detention following his conviction had been unlawful.

No violation of Article 5 § 1

Gregačević v. Croatia (no. 58331/09)

The applicant, Željko Gregačević, is a Croatian national who was born in 1974 and lives in Čepin (Croatia). Found guilty of fraud in July 2007, he was sentenced to five years in prison. Relying on Article 6 (right to a fair trial), he complained that the criminal

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

proceedings against him had been unfair and that he had not had adequate time to prepare his defence.

Violation of Article 6 §§ 1 and 3 (b) (right to adequate time and facilities for preparation of defence)

No violation of Article 6 §§ 1 and 3 (d) (right to obtain attendance and examination of witnesses)

Just satisfaction: The applicant did not submit a claim for just satisfaction within the time-limit and therefore his subsequent related claim was dismissed.

*Cucinotta v. Italy (no. 16220/03)**

The applicant, Orazio Cucinotta, is an Italian national. Relying in particular on Article 1 of Protocol no. 1 (protection of property), he complained that he was deprived of his land as it was used for the building of a low-cost housing project.

Violation of Article 1 of Protocol No 1

Just satisfaction: EUR 167 000 (pecuniary damage), EUR 10 000 (non-pecuniary damage) and EUR 15 130 (costs and expenses)

Trampevski v. "The former Yugoslav Republic of Macedonia" (no. 4570/07)

The applicant, Tome Trampevski, is a Macedonian national who was born in 1958 and lives in Bitola ("the former Yugoslav Republic of Macedonia"). A taxi driver, he was convicted in April 2006 of smuggling migrants and sentenced to one year in prison. Relying on Article 6 § 1 (right to a fair trial) and Article 6 § 3 (d) (right to obtain attendance and examination of witnesses), he complained in particular that he had been unable to confront, as witnesses, the migrants whom he had transferred, whose statements given in the pre-trial proceedings had served as a basis for his conviction.

Violation of Article 6 §§ 1 and 3 (d)

Just satisfaction: EUR 530 (costs and expenses)

Vidgen v. the Netherlands (no. 29353/06)

The applicant, Nicholas Otto Vidgen, is a British national who was born in 1958 and, as far as the Court is aware, lives in London (the United Kingdom). He was found guilty of transporting, together with others, from the Netherlands to Germany with the intention of ultimately shipping them to Australia, psychotropic substances the trade of which is illegal in all three countries. Relying on Article 6 § 1 (right to a fair trial) and Article 6 § 3 (d) (right to obtain attendance and examination of witnesses), he complained that his criminal conviction had been based solely or to a decisive extent on the statements of a witness whom he had been unable to examine.

Violation of Article 6 §§ 1 and 3 (d)

Just satisfaction: The applicant did not submit any claim for just satisfaction.

Vartic v. Romania (no. 12152/05)

The applicant, Ghennadii Vartic, is a Moldovan national who was born in 1973 and is currently detained in Jilava Prison (Romania). To date, he has spent over 11 years in

detention following his sentence in 1998 for murder. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complained about the very poor conditions in which he had been kept in two different prisons.

Violation of Article 3

Just satisfaction: EUR 12,000 (non-pecuniary damage) and EUR 350 (costs and expenses)

*Ilie Șerban v. Romania (no. 17984/04)**

The applicant, Ilie Șerban, is a Romanian national who was born in 1953 and lives in Petroșani (Romania). The case concerns the authorities' refusal to admit him to the Bar without an examination. Mr Șerban argued that he had been a company lawyer for over ten years and that according to the Legal Profession Act he had the right to be admitted to the Bar without an entrance exam. Relying in particular on Article 6 § 1 (right to a fair hearing), he complained of a violation of the principle of legal certainty.

Violation of Article 6 § 1

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

*Lancranjan Franchini and Others v. Romania (no. 26298/05)**

The applicants, Ligia Lancranjan Franchini, Mariana Stoicoi and Nicolae Zaharie, are Romanian nationals who were born in 1955, 1955 and 1936 and live in Alba Iulia, Orăștie and Deva (Romania) respectively. The case concerns the execution of a decision assigning ownership of land to the applicants. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), they complained about the setting aside by the Prosecutor General of Romania of a final judgment in their favour as being substantively defective.

Violation of Article 6 § 1

Violation of Article 1 of Protocol No 1

Just satisfaction: EUR 37,000 to the applicants jointly (pecuniary damage), 3,000 EUR to the applicants jointly (non-pecuniary damage).

Vakhayeva v. Russia (no. 27368/07)

Ilayeva and Others v. Russia (no. 27504/07)

The applicant in the first case, Tamara Vakhayeva, is a Russian national who was born in 1947 and lives in Urus-Martan (Russia).

The applicants in the second case are nine Russian nationals Yakhita Ilayeva, Larisa Ilayeva, Luiza Ilayeva, Dzhokhar Ilayev, Mariyam Ibragimova, Adam Ilayev, Pyatimat Ibragimova, Elizaveta Batayeva and Taus Islamova, who were born respectively in 1959, 1987, 1985, 1995, 1957, 1994, 1925, 1962 and 1936.

The cases concerned the applicants' complaints that their relatives had been abducted in October 2006 and July 2004 and detained by State servicemen, and that the authorities had failed to effectively investigate their complaints. In particular, the applicant in the first case lost her son, who was last seen on 5 October 2001, when he was allegedly forced into an armed vehicle after getting involved in a fight with military servicemen at a check point. The applicants in the second case never saw their four relatives again after they were allegedly abducted from a house in which they were all sleeping on the

night of 4 July 2004. The applicants relied on Article 2 (right to life), Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy).

Violation of Article 2 (substance + investigation) - in respect of the applicants' relatives

Violation of Article 3 - in respect of the applicants

Violation of Article 5 - in respect of the applicants' relatives

Violation of Article 13 in conjunction with Article 2

Vakhayeva v. Russia: **Just satisfaction**: EUR 12,000 (pecuniary damage), EUR 60,000 (non-pecuniary damage) and EUR 2,500 (costs and expenses)

Ilayeva and Others v. Russia: **Just satisfaction**: EUR 11,500 to Yakhita Ilayeva, EUR 12,400 to Mariyam Ibragimova, EUR 11,900 to Elizaveta Batayeva and EUR 5,900 to the Taus Islamova applicant (pecuniary damage); EUR 60,000 to the Yakhita Ilayeva, Larisa Ilayeva, Luiza Ilayeva and Dzhokhar Ilayev jointly; EUR 60,000 to Mariyam Ibragimova, Adam Ilayev and Pyatimat Ibragimova jointly, EUR 60,000 to Elizaveta Batayeva and EUR 60,000 to Taus Islamova (non-pecuniary damage); and EUR 3,000 (costs and expenses)

Yudina v. Russia (no. 52327/08)

The applicant, Irina Yudina, is a Russian national who was born in 1967 and lives in Yegultys, Kemerovo Region (Russia). Relying in particular on Article 3 (prohibition of inhuman and degrading treatment), she complained that several police officers had brutally beaten her after bursting into her house on 26 December 1998 without a warrant and threatening to turn the whole place upside down, and that the ensuing investigation had lasted for over 10 years and had been ineffective.

Violation of Article 3 (treatment + investigation)

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 1,680 (translation costs)

Varga v. Slovakia (no. 36931/08)

The applicants, Oliver Varga and Barnabáš Varga (now deceased), are Slovak nationals. Oliver Varga was born in 1959 and lives in Veľké Kapušany. Brothers, the applicants alleged that the proceedings concerning their claim for restitution of a plot of land had been unfair in that their claim had been dismissed on the basis of a legislative amendment adopted after the start of the proceedings. They relied on Article 6 § 1 (right to a fair trial).

No violation of Article 6 § 1

Makbule Akbaba v. Turkey (no. 48887/06)*

The applicants, Makbule Akbaba, Zübeyde Akbaba, Zöhre Akbaba, Gazi Akbaba, Hüseyin Akbaba and Mustafa Akbaba, are Turkish nationals who were born in 1938, 1970, 1958, 1960, 1961 and 1964 respectively and live in different towns in Turkey. They are respectively the mother, sisters and brothers of Haydar Akbaba, who died in Ümraniye prison (Istanbul), where he was detained. On 19 December 2000 the Turkish security forces simultaneously entered 20 prisons where detainees had gone on hunger strike in protest against a plan to build F-type prisons with smaller living units. In the prison where Haydar Akbaba was held the detainees set fire to their dormitories and the security forces used assault weapons and tear gas on them. At the end of the operation

two charred bodies were found in a dormitory. One was that of Haydar Akbaba. Relying on Article 2 (right to life), the applicants alleged that the operation had been conducted with disproportionate force. They also relied in particular on Article 6 (right to a fair hearing) because of the duration of the administrative proceedings.

Violation of Article 2

Violation of Article 6 (length of proceedings)

Just satisfaction: EUR 13,000 to Makbule Akbaba and EUR 1,000 to each of the other applicants (non-pecuniary damage).

Sat v. Turkey (no. 14547/04)*

The applicant, Cuma Şat, is a Turkish national who was born in 1957 and lives in Basel (Switzerland). He sustained a bullet wound during an operation of the security forces in Bayrampaşa prison (Istanbul), where he was detained. On 19 December 2000 the Turkish security forces simultaneously entered 20 prisons where detainees had gone on hunger strike in protest against a plan to build F-type prisons with smaller living units. At Bayrampaşa prison 12 detainees died and 15 were injured. The criminal proceedings concerning these deaths and injuries are still pending in the Assize Court. Relying in particular on Article 2 (right to life), the applicant complained about the bullet wound he sustained during the operation.

Violation of Article 2

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

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