



Judgments concerning Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, "The former Yugoslav Republic of Macedonia", Malta, Romania, Russia, Serbia and Slovenia

The European Court of Human Rights has today notified in writing the following 14 judgments, of which one (in italics) is a Committee judgment and is final. The others are Chamber judgments¹ and are not final.

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

Dimov and Others v. Bulgaria (application no. 30086/05)

The applicants, Dobromir Dimov, Danail Dimov, and Vera Todorova, are Bulgarian nationals who were born in 1981, 1979, and 1959 respectively and live in Harmanli (Bulgaria). The case concerned their allegation that their father and husband, Todor Dimov Todorov, had been killed in December 2003 during a police operation to arrest him. Mr Todorov had been wanted by the police as he had escaped during a previous attempt to arrest him and send him to prison to serve a six-month sentence for letting out his house for lewd acts. Relying in particular on Article 2 (right to life) of the Convention, the applicants alleged in particular that the police squad had sent to Mr Todorov's country house, where he was in hiding, had used excessive force during the operation, and had notably launched 15 rocket propelled grenades at the house in order to make an opening in the wall for the assault party. They also alleged that the investigation into Mr Todorov's death, which had come to the conclusion that he had died as a result of the detonation of a hand grenade he had activated himself, had been inadequate.

Two violations of Article 2 (Mr Todorov's death; ineffective investigation)

Just satisfaction: EUR 50,000 (non-pecuniary damage) and EUR 4,684.07 (costs and expenses)

Dimovi v. Bulgaria (no. 52744/07) *

The applicants, Konstantin Dimov and Ivan Dimov, are Bulgarian nationals who were born in 1968 and 1971 respectively and live in Varna. Their mother, E. Dimova, worked for the municipal board of the Trade Union Federation in Razgrad. On 22 November 1989 there was a fire in the building. Firemen saved Mrs Dimova but she died six days later from injuries sustained in the fire. On the day the fire broke out criminal proceedings were initiated against persons unknown and the applicants joined the proceedings as a

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.

civil party. On 9 May 1990 the public prosecutor decided to discontinue the proceedings, and that decision was upheld on appeal. The Principal State Prosecutor then asked the district prosecutor to investigate the matter further. The district prosecutor found that T.T., the Chairman of the municipal board of the Trade Union Federation in Razgrad, could not be held criminally responsible for the fire, and again discontinued the proceedings. In a final judgment of 11 June 2007 the Schumen regional court upheld the decision to dismiss the applicants' case. Relying in particular on Article 2 (right to life) the applicants alleged that the investigation into the circumstances of their mother's death had not been effective.

Violation of Article 2 (investigation)

Just satisfaction: EUR 6,000 (non-pecuniary damage) and EUR 1,500 (costs and expenses)

Yavashev and Others v. Bulgaria (no. 41661/05)

The applicants, Anani Yavashev, Stefan Yavashev, and Christo Javasseff, brothers, were born in 1932, 1938 and 1935 respectively. Anani Yavashev and Stefan Yavashev are Bulgarian nationals who live in Sofia, Bulgaria, and Christo Javasseff is a national of the United States of America who lives in New York. The case concerned property in the town of Gabrovo which the brothers had inherited from their father and which, nationalised in 1947, had been struck out of the register of State properties in 1992 under a law providing for the restitution of nationalised property. The property had been used for a school since 1960 and, in the years following the striking out decision, the municipality had continued to use the building with the applicants' consent, also paying rent. When, following an intervention by the regional governor, the municipality had stopped paying rent in 2001, the applicants had brought a claim before the civil courts. The municipality had brought a counterclaim, seeking a judicial declaration that it was the owner of the property. Relying on Article 1 of Protocol No. 1 (protection of property), the brothers complained about the resulting judgment in December 2007 which had held that the property had always belonged to the municipality because it did not fall within the ambit of the restitution law.

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 20,000 (pecuniary and non-pecuniary damage) and EUR 1,677.79 (costs and expenses)

Zdravko Stanev v. Bulgaria (no. 32238/04)

The applicant, Zdravko Stanev, is a Bulgarian national who was born in 1951 and lives in Kazanluk (Bulgaria). Relying in particular on Article 6 § 3 (c) (right to legal assistance of own choosing), Mr Stanev, who is unemployed, complained that he was refused free legal representation in criminal proceedings brought against him for forging documents when representing his father in a tort action against the local forestry office. In September 2003 he was found guilty as charged and fined 250 euros (EUR). He was also ordered to pay EUR 8,000 damages to the judge, forestry office officials and counsel whose signatures he had forged in the documents he had submitted during the tort proceedings.

Violation of Article 6 § 3 (c)

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

Longin v. Croatia (no. 49268/10)

The applicant, Dženi Longin, is a Croatian national who was born in 1974 and lives in Zadar (Croatia). Relying in particular on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Longin complained about the conditions of his detention from 1 October 2009 to 4 October 2010 in Zagreb Prison where he had served a four year and three month sentence for drug abuse. He notably alleged that for 22 hours a day he had been confined to an overcrowded cell which was full of cockroaches and had no separation between the toilet and where he ate.

Violation of Article 3

Just satisfaction: EUR 5,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Osmanović v. Croatia (no. 67604/10)

The applicant, Kabir Osmanović, is a Croatian national who was born in 1985 and lives in Pula (Croatia). Relying on Article 5 § 3 (right to liberty and security), Mr Osmanović alleged that his remand in custody for eight days in October 2009 on charges of attacking two off-duty police officers had not been justified. Further relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), he also complained that his ensuing constitutional complaint to challenge the lawfulness of the eight days' detention had been dismissed solely on the ground that he had already been released.

No violation of Article 5 § 3

Violation of Article 5 § 4

Just satisfaction: EUR 2,500 (non-pecuniary damage) and EUR 30 (costs and expenses)

Trifković v. Croatia (no. 36653/09)

The applicant, Milan Trifković, is a Croatian national who was born in 1976 and lives in Split (Croatia). Relying in particular on Article 5 § 3 (right to liberty and security), Mr Trifković complained about the unlawfulness and excessive length – more than three years – of his pre-trial detention following his arrest in November 2006 on suspicion of supplying heroin. Further relying on Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), he also complained in particular that his constitutional complaint to challenge the decisions extending his detention was dismissed without an examination of the merits. He was released in May 2010 following the expiry of the maximum statutory period of detention under domestic law. The criminal proceedings against him are still pending on appeal.

Violation of Article 5 § 3

Violation of Article 5 § 4

Lin v. Greece (no. 58158/10) *

The applicant, Luping Lin, is a Chinese national who was born in 1983. On 11 April 2006 he applied to the Thessaly regional authorities for a residence and work permit. To prove how long he had lived in Greece he submitted a Chinese passport he alleged was issued in November 2004, which the Chinese embassy in Athens disputed. In March 2007, Mr Lin's name was entered in a register of undesirable aliens. He was arrested in 2010 and taken into custody for illegal entry and residence in Greece. On 30 June 2010 he was transferred to the Hellenico illegal immigration centre in Athens. Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), he complained about the conditions of his detention at the Hellenico centre. Further relying on Article 5 § 1 (right to liberty and security) and Article 5 § 4 (right to a speedy review of the lawfulness of detention), he complained that his detention had been illegal.

Violation of Article 3

Violation of Article 5 § 4**Just satisfaction:** EUR 5,000 (non-pecuniary damage)

Vassallo v. Malta (no. 57862/09)

Just satisfaction

The applicant, Victoria Vassallo, is a Maltese national who was born in 1954 and lives in Zebbug (Malta). In its judgment of 11 October 2011, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) concerning the expropriation in 1974 of land she co-owned in Birkirkara (Malta) for a social housing project and that, to date, some 37 years later, she had still not been compensated. The Court found that the question of the application of Article 41 (just satisfaction) was not yet ready for decision.

Just satisfaction: EUR 50,000 (pecuniary damage)

Miu v. Romania (no. 7088/03) *

The applicant, Margareta Miu, is a Romanian national who was born in 1954 and lives in Bucharest. In 1950 a number of buildings in Bucharest were nationalised, including one on Boulevard Averescu. In 1993 the Bucharest District Court found that the building had been nationalised illegally and ordered that it be returned to the former owner's heir. Following the death of the owner's heir, Mrs Miu continued the action to recover the property. On 22 June 1998 the Bucharest Court of Appeal rejected the action for recovery, considering that the claim needed to be examined under a special procedure provided for in Law no. 112/1995. She then applied to the local administrative authorities to recover the building, and her request was granted. The Bucharest District Court set that decision aside, however, considering that the provisions of Law no. 112/1995 were not applicable to the building concerned, and that judgment was upheld on appeal and in cassation. Relying on Article 6 § 1 (right of access to court) Mrs Miu complained of a violation of her right of access to a court and to a fair hearing within a reasonable time.

Violation of Article 6 § 1**Just satisfaction:** EUR 3,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Borodin v. Russia (no. 41867/04)

The applicant, Pavel Borodin, is a Russian national who was born in 1978 and is serving a prison sentence in Norilsk, Krasnoyarsk Region. In September 1999, Mr Borodin was arrested on manslaughter charges. He was found guilty as charged in December 2004 and sentenced to seven years' imprisonment. In the meantime, he was accused of strangling a cellmate during his pre-trial detention and, in March 2006, was found guilty of murder and sentenced to 11 years' imprisonment. He made a number of complaints about beatings during his detention, notably by the police on 13 September 1999 when he was arrested, by prison guards on 12 April 2002 during a search of his cell and by more prison guards during two other incidents on 14 October 2002 and 5 August 2003 during which Mr Borodin alleged that excessive force had been used against him to search him. He also alleged that the ensuing investigations into his allegations about these four incidents had been ineffective. Furthermore he complained about being placed in solitary confinement from June 2004 to March 2006 following the murder of his cellmate, without adequate medical care for his mental health. He relied on Article 3 (prohibition of torture and inhuman or degrading treatment). Further relying in particular

on Article 6 § 1 (right to a fair trial within a reasonable time), he complained about the excessive length of the manslaughter proceedings against him.

No violation of Article 3 on account of the alleged treatment on 13 September 1999, on 12 April 2002, and on 5 August 2003; and on account of the alleged failure to effectively investigate the alleged treatment of 12 April 2002 and of 5 August 2003;

four violations of Article 3: on account of the excessive use of force against Mr Borodin on 14 October 2002 and his solitary confinement from 18 June 2004 to 22 March 2006; and on account of the failure to effectively investigate Mr Borodin's allegations of ill-treatment on 13 September 1999 and of the use of force against him on 14 October 2002;

No violation of Article 6 § 1

Just satisfaction: EUR 7,500 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Maksim Petrov v. Russia (no. 23185/03)

The applicant, Maksim Petrov, is a Russian national who was born in 1965 and is currently serving a sentence of life imprisonment in the town of Solikamsk, Perm Region (Russia), for multiple charges of murder, attempted murder and robbery. The courts notably found him responsible for a number of attacks on elderly and sick people in their homes in St Petersburg in 1999; posing as a doctor, he injected them with soporifics, sometimes in lethal quantities, and then robbed them. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained about the appalling conditions – due to overcrowding – of his detention on remand in Petersburg from January 2000 to his conviction in November 2003 as well as of his transportation to and from the court-house to attend his trial. Further relying on Article 6 § 2 (presumption of innocence), he also complained about statements made to the press by a number of policemen assigned to his case as well as their superior declaring that he had committed the crimes in question.

Violation of Article 3 on account of Mr Petrov's detention conditions

Violation of Article 3 on account of his conditions of transportation

Violation of Article 6 § 2

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 1,350 (costs and expenses)

Strelets v. Russia (no. 28018/05)

The applicant, Igor Strelets, is a Russian national who was born in 1956 and lives in Moscow. He was the former Vice President of an airline (LLC Volga Aviaexpress Airlines). He was arrested in September 2003 on suspicion of fraud and forgery involving a Yak-42 aircraft. He was convicted in June 2005 and sentenced to five years' imprisonment. This judgment was upheld on appeal in October 2005 but the sentence was suspended for two years, with Mr Strelets being placed on probation and released. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), he complained that on the days he was transported to the court-house for trial he had been deprived of food and sleep. Further relying on Article 5 §§ 1, 3, and 4 (right to liberty and security), he also made a number of complaints about his detention, notably that it had been unlawful during the proceedings against him, had been based on insufficient grounds and had lacked speedy judicial review.

Violation of Article 3

Violation of Article 5 § 1 (detention between 26 October and 30 November 2004)

No violation of Article 5 § 1 (detention between 30 November 2004 and 7 June 2005)

Violation of Article 5 § 3

Violation of Article 5 § 4

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 6,000 (costs and expenses)

Repetitive cases

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

Cale v. Albania (no. 50933/07)

The applicant in this case complained about the non-enforcement of a final judgment in his favour. He relies on Article 6 § 1 (access to court).

Violation of Article 6 § 1

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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.