



Judgments concerning France, Germany, Hungary, Italy, Portugal and Slovenia

The European Court of Human Rights has today notified in writing the following 12 judgments, of which eight (in *italics*) are Committee judgments and are final. The others are Chamber judgments¹ and 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 in French are indicated with an asterisk (*).

Pascaud v. France (application no. 19535/08)*

Just satisfaction

The applicant, Christian Pascaud, is a French national who was born in 1960 and lives in Saint-Emilion (France). The case concerned the applicant's inability to secure judicial recognition of his true relationship with his biological father, who was the owner of a winegrowing estate that was ultimately left to the municipality of Saint-Emilion when he died in 2002. In its Chamber judgment given on 16 June 2011 the Court unanimously held that there had been a violation of Article 8 (right to respect for private and family life). In respect of pecuniary damage Mr Pascaud sought just satisfaction amounting to half the assets of W.A.'s estate, to which he would have been entitled had he been recognised as his son. Today's judgment concerned the question of just satisfaction (Article 41).

Just satisfaction: EUR 2,750,000 (pecuniary damage)

Neziraj v. Germany (no. 30804/07)

The applicant, Nerim Neziraj, is a Serbian national who was born in 1979 and is currently detained in Remscheid Prison (Germany). He was convicted of bodily injury and sentenced to a fine of 1,500 euros in February 2003. The case concerned the refusal of the Cologne Regional Court to allow counsel to represent Mr Neziraj, who did not appear, at the hearing in the criminal appeal proceedings against him. The court had rejected Mr Neziraj's appeal on formal grounds due to his failure to attend, despite the fact that his counsel had been present at the hearing and ready to defend him. The applicant complained that this procedure had violated his right of access to court, his right to be heard in court and his right to defend himself through a lawyer, in breach of Articles 6 § 1 (access to court) and 6 § 3 (c) (right to legal assistance of own choosing).

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

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.

Just satisfaction: EUR 1,000 (non-pecuniary damage) and EUR 3,500 (costs and expenses)

Z.H. v. Hungary (no. 28973/11)

The applicant, Z.H., is a Hungarian national. He is deaf and mute, is unable to use sign language or to read or write, and has a learning disability. The case concerned his complaint that, on account of his disabilities, he could not understand the reasons for his arrest on 10 April 2011 on a charge of mugging, in breach of Article 5 § 2 (everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him), and that his ensuing detention until his release on 4 July 2011 had amounted to inhuman and degrading treatment, in breach of Article 3 (prohibition of torture and of inhuman or degrading treatment).

Violation of Article 3

Violation of Article 5 § 2

Just satisfaction: EUR 16,000 (non-pecuniary damage) and EUR 2,150 (costs and expenses)

Agrati and Others v. Italy (nos. 43549/08, 6107/09 and 5087/09)

Just satisfaction

The applicants are 125 Italian nationals who live in Italy. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), they complained about the retroactive application of a new law to pending judicial proceedings concerning the calculation of their length of service as employees of the State. In its Chamber judgment of 7 June 2011 the Court unanimously held that there had been a violation of Article 6 § 1 and of Article 1 of Protocol No. 1. Today's judgment concerned the question of just satisfaction (Article 41).

Just satisfaction: The Court awarded each applicant between EUR 551 and 82,761 (pecuniary damage) and EUR 6,120 to the applicants jointly (costs and expenses)

Repetitive cases

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

Ambrosini and others v. Italy (nos. 8456/09, 8457/09, 8458/09, 8459/09, 8460/09, 8461/09, 8462/09, 8463/09, 8464/09, 8465/09, 8466/09, 8467/09, 8468/09, 8469/09, 8471/09, 8472/09, 8473/09 and 8475/09)*

The applicants complained to the Pinto courts about the length of domestic judicial proceedings to which they had been party. In the Pinto proceedings they were awarded sums in respect of non-pecuniary damage. The Pinto decisions were enforced more than six months after they were deposited. The applicants submitted that the delays in the authorities' compliance with the Pinto decisions had violated their rights under in particular Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 1 of Protocol no. 1 (protection of property).

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Ferrara v. Italy (no. 65165/01)*

The applicant, Angelo Ferrara, is an Italian national who was born in 1920 and lives in Messina. He owned a piece of land in Taormina. In 1978 the municipal authorities in Taormina adopted a general development plan under which most of Mr Ferrara's land was to be turned into a public park. The applicant's land was officially taken over on 25 August 1979. In the absence of any formal expropriation or compensation, Mr Ferrara brought proceedings to recover his land or obtain compensation for it. The applicant alleged that the manner in which his land had been taken from him had been incompatible with 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 under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of non-criminal proceedings.

Gutman v. Hungary (no. 53943/07)

Gyuláné Kocsis v. Hungary (no. 20915/07)

Miklósné Kanyó v. Hungary (no. 30901/06)

Esteves Monteiro and Nunes Remesso Monteiro v. Portugal (no. 47001/10)*

Portugal et Corrêa de Barros v. Portugal (no. 44230/10)*

Žele v. Slovenia (no. 21308/06)

Violation of Article 6 § 1

Violation of Article 13 (in the case of *Žele v. Slovenia*)

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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.