



Judgments concerning Bulgaria, Romania, Serbia, Slovakia, and Turkey

The European Court of Human Rights has today notified in writing the following eight Chamber judgments¹, none of which are final. The judgments in French are indicated with an asterisk (*).

The Court has also delivered today judgments in the cases of Valiulienė v. Lithuania (no. 33234/07) and Jovanović v. Serbia (no. 21794/08), for which separate [press releases](#) have been issued.

Asen Kostov v. Bulgaria (application no. 48445/06)

Barborski v. Bulgaria (no. 12811/07)

The applicant in the first case, Asen Kostov, is a Bulgarian national who was born in 1961 and lives in Striama (Bulgaria). The applicant in the second case, Ivan Barborski, is a Bulgarian national who was born in 1969 and lives in Sofia. In both cases the applicants complained that their detention had exceeded the actual sentences imposed on them in criminal proceedings. Mr Kostov had been convicted of a number of offences committed between 1991 and 1998 and alleged that his detention of more than one year and two months, until his release in June 2004, had exceeded his overall sentence of one year. Mr Barborski had been convicted in two sets of proceedings and, having had an overall sentence of three years and six months' imprisonment imposed on him, alleged that his total detention, until his release in December 2005, had exceeded that sentence by more than two months. Both applicants complained of a breach of their rights under Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights. Mr Kostov further complained, in particular, that he had not had an enforceable right to seek compensation in respect of his detention, in breach of Article 5 § 5.

Violation of Article 5 § 1 – in both cases

Violation of Article 5 § 5 – in the case *Asen Kostov*

Just satisfaction: EUR 2,000 (non-pecuniary damage) and EUR 1,500 (costs and expenses) in respect of Mr Kostov; as regards Mr Barborski, the Court held that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage sustained.

Acatrinei and Others v. Romania (no. 10425/09 and 71 other applications)*

The applicants are 72 Romanian nationals who were born between 1919 and 1988 and live in Timișoara, Ianova, Dumbrăvița, Milisăuți, Murani, Satchinez, Avrameni, South Eforie and Tîrgu Jiu (Romania). The applicants are victims or the heirs of victims of the

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

armed repression of the demonstrations against the communist regime that started in Timișoara in December 1989. They were all recognised by the official investigation opened after the fall of the regime as victims or heirs of victims of the repression. Relying in particular on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment), the applicants complained that the authorities had failed to carry out an effective investigation into the deaths of their family members or the ill-treatment to which they themselves had been subjected during the repression of the anti-communist demonstrations of December 1989 in Timișoara.

Violation of Article 2 (investigation) – in respect of 65 of the applicants

Violation of Article 3 (investigation) – in respect of the seven other applicants

Just satisfaction: EUR 5,000 (non-pecuniary damage) to each of the 65 applicants in respect of which a violation of Article 2 was found, and EUR 3,500 (non-pecuniary damage) to each of the seven applicants in respect of which a violation of Article 3 was found

Györgypál v. Romania (no. 29540/08)*

The applicant, Gavril Györgypál, is a Romanian national who was born in 1973 and lives in Budapest. On 13 May 2006 the public prosecutor ordered him to be remanded in custody on suspicion of drug trafficking. His detention on remand was extended several times. On 26 January 2007 he was sentenced to ten years' imprisonment for drug trafficking. On appeal, the sentence was increased to fifteen years and four months. Mr Györgypál appealed to the High Court of Cassation and Justice. In a final judgment of 7 March 2008, the High Court allowed the appeal in part and reduced the sentence to seven years' imprisonment. Relying among others on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Györgypál complained in particular about the poor conditions of his detention in various prisons.

Violation of Article 3 (conditions of detention after 4 December 2007)

Just satisfaction: EUR 6,150 (non-pecuniary damage)

Niculescu-Dellakeza v. Romania (no. 5393/04)*

The applicant, Valerică Niculescu-Dellakeza is a Romanian national who was born in 1942 and lives in Craiova. He is an actor in the Craiova national theatre. During a television programme he called the director of the theatre (C.M.) a "seven-handed stage director", then published an open letter to him in the local paper accusing him, amongst other things, of holding several posts simultaneously and misappropriating public funds. C.M. lodged a complaint for slander and libel. In a judgment of 24 June 2003 the applicant was found guilty of defamation and sentenced to a criminal fine and the payment of compensation and costs. Relying on Article 6 § 1, Mr Niculescu-Dellakeza complained that his criminal conviction on 24 June 2003 without his having been heard had violated his right to a fair trial. Further relying in particular on Article 10, he alleged that the criminal and civil liability findings had amounted to a disproportionate interference with his right to freedom of expression.

Violation of Article 6 § 1

Violation of Article 10

Just satisfaction: EUR 1,700 (pecuniary damage), EUR 5,900 (non-pecuniary damage) and EUR 200 (costs and expenses)

Luković v. Serbia (no. 43808/07)

The applicant, Velibor Luković, is a Serbian national who was born in 1973 and lives in Kraljevo (Serbia). A former employee of the customs department anti-smuggling team, he was arrested and detained in November 2006 on suspicion of organising a criminal group and of corruption. His pre-trial detention was subsequently extended on several occasions until his release on bail in August 2010. Relying in particular on Article 5 § 3 (right to liberty and security), he complained among others that the length of his pre-trial detention had been excessive.

No violation of Article 5 § 3

Vrabec and Others v. Slovakia (no. 31312/08)

The applicants, Martin Vrabec, Elena Račková, Ľubica Vrabcová, Ľubica Kolesárová, and Ján Vrabec, are Slovak nationals who were born in 1940, 1936, 1948, 1977, and 1982 respectively and live in Poltár and Bratislava (Slovakia). They are descendants of an owner of more than three hectares of land which was confiscated by the Czechoslovakian authorities in 1951. They unsuccessfully claimed restitution of that land under a 2003 law governing the restitution of agricultural lands. Their complaint in that respect was rejected by a final court decision in October 2007. Relying in particular on Article 6 § 1 (right to a fair hearing), they complained that the courts had failed to address all their arguments and had dismissed their claim arbitrarily.

Violation of Article 6 § 1

Just satisfaction: EUR 350 (costs and expenses) jointly to all applicants

Coşar v. Turkey (no. 22568/05)

The applicant, Gürsel Coşar, is a Turkish national who was born in 1961 and is currently serving his prison sentence in Muğla Prison (Turkey). He was convicted of homicide and sentenced to 12 years and six months' imprisonment in a judgment which became final in October 2006. He complained that he had been ill-treated while in police custody in January 2004 and that his complaint of ill-treatment had not been examined effectively. He relied on Article 3 (prohibition of inhuman or degrading treatment). Further relying in particular on Article 6 § 1 (right to a fair trial), he complained that he had been denied a fair hearing as statements he had made under duress had been admitted by the courts in his criminal trial.

No violation of Article 3 (ill-treatment)

Violation of Article 3 (investigation)

No violation of Article 6 § 1

Just satisfaction: EUR 12,500 (non-pecuniary damage)

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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.