



Judgments concerning Azerbaijan, Greece and Portugal

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

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 (*).

Layijov v. Azerbaijan (application no. 22062/07)

The applicant, Tajir Shirin oglu Layijov, is an Azerbaijan national who was born in 1959 and lives in Balakan (Azerbaijan). The case concerned his allegation of ill-treatment by the police. Suspected of drug dealing, he alleged that policemen had dragged him out of his car on 17 March 2005 at a petrol station and had beaten, punched and kicked him. He had then been taken to the local police station where the beatings continued. Narcotics were found during a search of Mr Layijov and his car at the police station and he was charged, among other things, with illegal possession and sale of drugs. He was ultimately found guilty of illegal possession of drugs and sentenced to two years' imprisonment on appeal, upheld by the Supreme Court in June 2007. Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Layijov alleged that he had been ill-treated during both his arrest and ensuing police custody and that the authorities had failed to investigate his allegations. Further relying on Article 6 (right to a fair trial), he also alleged that the proceedings against him had been unfair as his conviction had been based on the admission of unlawful evidence, namely narcotics which he argued had been planted on him and in his car.

Violation of Article 3 (inhuman and degrading treatment) – as regards the ill-treatment by the police

Violation of Article 3 (procedure) – as regards the lack of effective investigation of Mr Layijov's allegation of ill-treatment

Violation of Article 6

Just satisfaction: 10,000 euros (EUR) (non-pecuniary damage) and EUR 2,050 (costs and expenses)

Terebus v. Portugal (no. 5238/10)*

The applicant, Andriy Terebus, is a Ukrainian national who was born in 1979 and lives in Labruge (Portugal). The case concerned his inability, under the European Union "Brussels I" Regulation, to obtain enforcement of a judgment delivered in his favour in Portugal. Mr Terebus was employed by a company, R., which was registered in Portugal but whose shareholders were of Spanish nationality and not domiciled in Portugal. In May 2008 the Portuguese courts ordered R. to pay Mr Terebus several thousand euros in arrears of salary and for unfair dismissal. As the company failed to comply with the judgment, a court bailiff was appointed to enforce it. In May 2009 Mr Terebus was informed that R. had been dissolved. He sought to continue the proceedings, however, and obtained a document from the Portuguese courts certifying that the judgment of May 2008 was enforceable

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

in accordance with the “Brussels I” Regulation. In June 2009 he sent the certificate to the bailiff in order for him to continue the enforcement in Spain. In March 2010 the bailiff said that he had sent the enforcement order to the Spanish courts and was waiting for their reply. In October 2013 the proceedings were still pending. Relying on Article 6 (right to a fair hearing), Mr Terebus complained of the excessive length of the proceedings and of the inability to obtain enforcement of the judgment of the Portuguese courts delivered in his favour.

Violation of Article 6 § 1

Just satisfaction: Mr Terebus did not submit a claim for just satisfaction.

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) of the excessive length of civil proceedings.

Mentakos v. Greece (no. 18838/10)*

Seitanidis and Aktinakis v. Greece (no. 48007/09)*

Violation of Article 6 § 1 – in both cases

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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.