



## Judgments concerning Germany, Malta and Slovenia

The European Court of Human Rights has today notified in writing the following seven judgments, of which five (in italics) are Committee judgments and are final. The others are Chamber judgments<sup>1</sup> and are not final.

Repetitive cases<sup>2</sup>, with the Court's main finding indicated, can be found at the end of the press release. The judgments are available only in English.

*The Court has also delivered today its judgment in the case of Dvořáček v. the Czech Republic (application no. 12927/13), for which a separate press release has been issued.*

### Ereren v. Germany (application no. 67522/09)

The applicant, Faruk Ereren, is a stateless person who was born in 1955 and lives in Hagen (Germany). The case concerned his complaint about the length of his pre-trial detention, which had lasted for more than five years, on suspicion of having ordered terrorist attacks.

Mr Ereren was arrested in Germany in April 2007 for possession of forged documents. His detention was subsequently ordered on the basis of a strong suspicion, in particular, that he had played a leading role in the activities of a foreign terrorist organisation and of having committed two counts of murder; it was extended on several occasions and his appeals against the arrest warrant were rejected. The German courts held in particular that there was a risk of collusion and of absconding, observing that Mr Ereren did not have a fixed residence in Germany. In September 2011, an appeal court convicted him of two counts of murder and sentenced him to life imprisonment, but the judgment was subsequently quashed and the case was remitted for a fresh trial by another chamber of the same court. After his detention had again been extended, Mr Ereren was eventually released in February 2014, the criminal proceedings against him still pending.

Relying on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) of the European Convention on Human Rights, Mr Ereren complained that the length of his pre-trial detention had been excessive.

### No violation of Article 5 § 3

### Azzopardi v. Malta (no. 28177/12)

The applicant, Peter Azzopardi, is a Maltese national who was born in 1950 and lives in Naxxar (Malta). He is the director of the company Canadian Brothers Limited on whose behalf he lodged the application.

The case concerned compensation proceedings in respect of the expropriation, in 1974, of a plot of land of which the company had been the holder. The land was expropriated in order to construct a reservoir. Mr Azzopardi contested the sum offered by the authorities for the acquisition and

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

<sup>2</sup> In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

repeatedly requested them to bring proceedings to determine the compensation due for the expropriation. Compensation proceedings were eventually initiated in 2004, and they remain pending. In the meantime, Mr Azzopardi was awarded compensation in respect of non-pecuniary damage in constitutional redress proceedings he had brought, complaining about the authorities' inactivity.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair trial within a reasonable time), Mr Azzopardi complained that he had not been compensated for the expropriation within a reasonable time.

**Violation of Article 1 of Protocol No. 1**

**Violation of Article 6 § 1** (access to court and length of proceedings)

**Just satisfaction:** 445,000 euros (EUR) (pecuniary damage) and EUR 6,000 (costs and expenses)

## Repetitive cases

The following cases raised issues which had already been submitted to the Court.

*Brlek v. Slovenia* (no. 6000/10)

*Faganel v. Slovenia* (no. 6687/10)

*Maselj v. Slovenia* (no. 5773/10)

*Petrovic v. Slovenia* (no. 5998/10)

*Puzin v. Slovenia* (no. 29998/10)

These cases concerned, in particular, the applicants' complaints of the allegedly poor conditions of their detention in Ljubljana prison, notably on account of severe overcrowding, unreasonable restrictions on out-of-cell time, inadequate health care, and exposure to violence from other inmates due to insufficient security. The applicants relied in particular on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy).

**Violation of Article 3** – in all five cases

**Violation of Article 13** – in all five 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.