



## Forthcoming judgments

The European Court of Human Rights will be notifying in writing 25 judgments on Thursday 13 November 2014.

*Press releases and texts of the judgments will be available at **10 a.m.** (local time) on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int))*

Thursday 13 November 2014

### Islam-Ittihad Association and Others v. Azerbaijan (application no. 5548/05)

The applicants are the Islam-Ittihad Association, an NGO with headquarters in Baku, which was active between 1991 and 2003, and Azer Samadov and Ilgar Allahverdiyev, Azerbaijani nationals who were born in 1961 and 1973 respectively and live in Baku. They were the association's chairman and a member of its management board, respectively.

The association's main activities included the repair and maintenance of mosques, and it engaged in projects aimed at promoting respect for human rights and in a number of humanitarian activities. The case concerns the association's forced dissolution, which was ordered by a district court in 2003 in proceedings brought by the Ministry of Justice. The court found that the association had unlawfully engaged in religious activities and, despite three warnings by the Ministry, had failed to cease those activities. The decision was eventually upheld in July 2004.

The applicants complain that the forced dissolution of the association was unlawful and violated their rights, in particular, under Article 11 (freedom of assembly and association) of the European Convention on Human Rights.

### Starčević v. Croatia (no. 80909/12)

The applicant, Mario Starčević, is a Croatian national who was born in 1974 and lives in Split. The case concerns his complaint about the criminal investigation into the death of his father, who was killed in a car accident.

Mr Starčević's father was hit by a car in May 2004 while attempting to cross a motorway and, seriously injured, died at the scene. A subsequent medical report indicated that the driver of the car had been under the influence of alcohol at the time of the accident. In February 2005 the investigating judge declined to open a criminal investigation, finding that there was no reasonable suspicion of a criminal offence, but in September 2006 the Supreme Court allowed an appeal by Mr Starčević and ordered an investigation. Following the acquittal of the driver in 2010, which was subsequently quashed, and the reopening of the case, the proceedings were eventually discontinued in a decision upheld in September 2012.

Relying on Article 2 (right to life), Mr Starčević complains that the criminal investigation into his father's death was ineffective. He maintains in particular that the investigation was superficial and took an unduly long time, and that he was not properly informed of relevant steps taken by the authorities.

### [Bodein v. France \(no. 40014/10\)](#)

The applicant, Pierre Bodein, is a French national who was born in 1947 and is currently detained in Moulins Prison (France). The case concerns the sentence of life imprisonment imposed on Mr Bodein, without any possibility of remission, and the reasoning of the assize court judgments.

Relying on Article 6 § 1 (right to a fair trial), Mr Bodein complains of the lack of reasons accompanying the judgment of the Assize Court of Appeal sentencing him to life imprisonment. He also alleges that the imposition of that sentence was in breach of Article 3 (prohibition of inhuman or degrading treatment), in so far as he claims that no provision was made for him to obtain even a slight remission, or to leave prison, except on the basis of a presidential decree granting him pardon.

### [Bibi v. Greece \(no. 15643/10\)](#)

The applicants, Konstantina Bibi and Georgia Bibi, are Greek nationals who were born in 1919 and 1949 respectively and live in Athens (Greece). The case concerns the expropriation in 1976 of land allegedly belonging to Ms Georgia Bibi and her husband. The second applicant, who is the first applicant's daughter, acquired an interest in remainder in respect of the land following her father's death.

In 1978 the domestic courts determined the amount of expropriation compensation to be paid. However, the applicants did not receive the compensation as the Nauplia Court of First Instance refused to recognise that they were entitled to compensation, on the grounds that the State's representative had said during the court hearing that the land was public property. The applicants then took proceedings in the civil courts seeking recognition of their ownership rights. The proceedings began in 1984 and ended in 2004 with Ms Konstantina Bibi being recognised as the owner of part of the land. On 29 December 2005 the applicants brought proceedings in the Nauplia Court of Appeal seeking to have the expropriation compensation reassessed or to obtain compensation for the loss of the use of their property since 1979. In a judgment of 28 February 2007, which was upheld following an appeal on points of law, the Court of Appeal declined jurisdiction on the grounds that the applicants' claims in fact amounted to claims for damages against the State and therefore came within the jurisdiction of the administrative courts.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), the applicants complain of the length of the proceedings concerning the expropriation of their land and the awarding of compensation. Under Article 1 of Protocol No. 1 (protection of property), they further complain of the refusal of the Nauplia Court of Appeal and of the Court of Cassation to examine their claims.

### [MD v. Greece \(no. 60622/11\)](#)

The applicant, Toiabali MD, is a Bangladeshi national who was born in 1978 and lives in Thessaloniki (Greece). The case concerns the conditions and the lawfulness of Mr MD's detention from 4 January to 15 March 2011 in the aliens' police department in Thessaloniki, with a view to his deportation.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr MD complains of his conditions of detention, and in particular of overcrowding, a lack of opportunities for physical exercise and a shortage of food. Under Article 5 § 1 (right to liberty and security), he also alleges that his detention with a view to his deportation was unlawful. Relying on Article 5 § 4 (right to a speedy review of the lawfulness of detention), he alleges that the domestic authorities did not give due consideration to his complaints in that regard.

### [Papakonstantinou v. Greece \(no. 50765/11\)](#)

The applicant, Aris Papakonstantinou, is an Italian national who was born in 1979 and is currently detained in Alikarnassos Prison (Greece).

The case concerns the conditions of detention of Mr Papakonstantinou, who was sentenced to life imprisonment for drug-related offences, in Korydallos Prison (from March 2007 to April 2008) and in Patras Prison (from April 2008 to April 2012).

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Papakonstantinou complains of his conditions of detention in both prisons, and in particular of overcrowding, poor hygiene and a lack of ventilation and light. Under Article 8 (right to respect for private and family life), he further alleges that he was unable to communicate freely and at sufficient length with the members of his family and in particular with his wife, during visits in the so-called “free” visiting area. He also complains of the lack of a suitable place in which to have intimate relations with his wife.

#### Just Satisfaction

#### Varfis v. Greece (no. 40409/08)

The applicant, Spyridonas Varfis, is a Greek national who was born in 1944 and lives in Athens (Greece).

The case concerns the building restrictions imposed on the applicant’s property (a plot of land located near Marathon), after he acquired it and without any compensation being paid.

In its [principal judgment](#) of 19 July 2011 the Court found a violation of Article 1 of Protocol No. 1 (protection of property) and reserved the question of just satisfaction for examination at a later date.

The Court will rule on this issue in its judgment of 13 November 2014.

#### Bahnă v. Romania (no. 75985/12)

The applicant, Vasile Bahnă, is a Romanian national who was born in 1976. He is currently detained in Iași Prison (Romania), where he is serving a 15-year prison sentence for rape.

The case concerns his complaint about the conditions in several different prison facilities in Romania in which he has been detained since 2004. In particular, he alleges overcrowding of cells, cells being infested by insects, and insufficient and inappropriate food. Furthermore, he complains of having fallen ill with toxic hepatitis, bronchopneumonia, anaemia and several other diseases during his detention, and maintains that he has not received adequate treatment for those conditions. He relies on Article 3 (prohibition of inhuman or degrading treatment).

#### Lazariu v. Romania (no. 31973/03)

The applicant, Victoria Lazariu, is a Romanian national who was born in 1951 and lives in Iași (Romania). The case concerns her confinement in a psychiatric hospital for several days against her will and the criminal proceedings against her.

Suspected of having incited witnesses to give false testimony, Ms Lazariu was held for several hours at a district prosecutor’s office on 28 May 2003. On order of the prosecutor, she was subsequently admitted to a psychiatric hospital, where she was examined and, found to be mentally sound, released on 5 June 2003. Her complaints about her treatment on 28 May were dismissed. In subsequent criminal proceedings, Ms Lazariu was convicted of several offences, including fraud and forgery, and eventually sentenced to five years’ imprisonment in a judgment which became final in October 2010.

Relying on Article 5 §§ 1 and 4 (right to liberty and security/right to judicial review of detention), Ms Lazariu complains that her deprivation of liberty on 28 May 2003 and subsequently in the psychiatric hospital was unlawful and that the decision to order her confinement was not reviewed by the courts. She further complains, under Article 6 §§ 1 and 3 (c) (right to a fair trial/right to defend oneself in person or through legal assistance), that the criminal proceedings against her took

an unreasonably long time and that the courts failed to hear her in person. Finally, she relies on Article 8 (right to respect for private and family life) and Article 3 (prohibition of inhuman or degrading treatment), complaining that the authorities contacted the press when she was taken by force to the psychiatric hospital, resulting in the publication of her photos in various newspapers, and that she was ill-treated by the police officers who took her to the hospital.

#### [Aktürk v. Turkey \(no. 70945/10\)](#)

The applicant, Ender Bulhaz Aktürk, is a Turkish national who was born in 1982 and is currently detained in the Tekirdağ F-type Prison (Turkey), where he is serving a sentence for having killed a police officer.

The case concerns Mr Aktürk's complaint of having been ill-treated by the police following his arrest on 18 March 2009. He alleges in particular that he was beaten at a police station and that, following his subsequent transfer to the anti-terrorism branch of the Bursa Security Headquarters, his testicles were squeezed, and he was subjected to hanging by his arms and hosed with cold water. Mr Aktürk filed a complaint with the prosecuting authorities, alleging that he had been ill-treated in custody. In November 2009, the prosecutor decided not to open criminal proceedings.

Relying in particular on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Aktürk complains of his ill-treatment and maintains that no effective investigation was conducted into the matter.

#### [Ali Rıza Kaplan v. Turkey \(no. 24597/08\)](#)

The applicant, Ali Rıza Kaplan, is a Turkish national who was born in 1977. At the time the application was lodged he was detained in Tekirdağ Prison (Turkey). The case concerns the length of his detention pending trial and the alleged lack of an effective remedy by which to appeal against his continued detention.

Mr Ali Rıza Kaplan was taken into police custody on suspicion of membership of the illegal organisation, the MLKP (Marxist-Leninist Communist Party), and on 20 April 2003 was placed in detention pending trial. He was charged with attempting to overthrow the constitutional order and was tried in the Assize Court. Following the hearings the Assize Court rejected Mr Ali Rıza Kaplan's requests for release on several occasions and ordered his continued detention pending trial. It also dismissed his appeals against the orders for his continued detention, without holding hearings and after requesting the written opinion of the public prosecutor, which was not sent to Mr Ali Rıza Kaplan or his lawyer. Throughout the proceedings the Assize Court also reviewed Mr Ali Rıza Kaplan's detention at regular intervals of its own motion.

Relying on Article 5 § 3 (right to liberty and security), Mr Ali Rıza Kaplan complains of the length of his detention pending trial. Under Article 5 § 4 (right to a speedy review of the lawfulness of detention), he also complains of the absence of any hearings in connection with the review of his appeals, the fact that his appeals were examined solely on the basis of the case file, the fact that he was given no opportunity to reply to the written opinion of the public prosecutor, and the decisions adopted by the court of its own motion concerning his detention pending trial.

#### [Cüneyt Polat v. Turkey \(no. 32211/07\)](#)

The applicant, Cüneyt Polat, is a Turkish national who was born in 1959 and lives in Istanbul (Turkey). The case concerns his arrest on 4 September 2005 after he had taken part in a demonstration in support of Abdullah Öcalan – founder and leader of the PKK (Workers' Party of Kurdistan, an illegal armed organisation) – which was dispersed by the police using force.

Mr Cüneyt Polat was taken into police custody and underwent medical examinations which recorded injuries that were caused, according to him, by blows from police truncheons inflicted during his arrest. He was remanded in custody on 5 September 2005 and charged with aiding and abetting the

PKK and possessing dangerous and explosive products. During the criminal proceedings the Istanbul Assize Court held several hearings and on each occasion ordered Mr Cüneyt Polat's continued detention. He lodged two appeals against the orders for his continued detention, which were dismissed by the Assize Court on the basis of the case file. On 4 December 2006 he lodged a complaint against the police officers who he claimed were responsible for his injuries. Nine police officers gave evidence to the public prosecutor, who discontinued the proceedings for lack of evidence. Mr Cüneyt Polat appealed against that decision, without success. On 20 March 2007 he was sentenced to ten years' imprisonment and payment of a fine. He lodged an appeal on points of law which was dismissed on 28 January 2008.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Cüneyt Polat alleges that he was subjected to ill-treatment during his arrest. Under Article 6 § 1 (right to a fair trial) and Article 13 (right to an effective remedy), he also complains of the ineffectiveness of the investigation by the public prosecutor's office into his complaint against the police officers, and of the absence of hearings in the proceedings concerning his appeals against the orders for his continued detention pending trial. Relying on Article 5 § 3 (right to liberty and security) and Article 6 §§ 1 and 2 (presumption of innocence), he complains of the excessive length of his detention pending trial and of the length of the criminal proceedings against him. Lastly, he contends that the proceedings in his case before the Assize Court were unfair, in breach of Article 6 § 3 (right to a fair trial) and Article 13.

#### [Dinç and Others v. Turkey \(no. 34098/05\)](#)

The applicants, Nursen Dinç, Birsen Lutlu, Aynur Sever, Neşe Dinç and Fatmagül Dinç, are five Turkish nationals who were born in 1950, 1952, 1960, 1962 and 1931 respectively and live in Istanbul (Turkey).

The case concerns the partial annulment by the civil courts, at the request of the Treasury, of title to a plot of land belonging to the applicants, on the ground that part of the property was designated as coastal land and therefore could not be privately owned. The domestic courts also ordered the demolition of the buildings constructed on part of the land.

The applicants allege that they were deprived of their title to the property for the benefit of the Treasury without receiving compensation as required by Article 1 of Protocol No. 1 (protection of property). Relying on Article 6 (right to a fair hearing within a reasonable time), they also complain of the length of the civil proceedings before the domestic courts.

#### [Durmaz v. Turkey \(no. 3621/07\)](#)

The applicant, Ümran Durmaz, is a Turkish national who was born in 1955 and lives in İzmir (Turkey). The case concerns her complaint of the authorities' failure to carry out an effective investigation into the death of her daughter.

Ms Durmaz' daughter, Gülperi O., died in July 2005 in a hospital in İzmir – where she had been working as a nurse – after her husband had taken her to the emergency department, informing the doctors that she had taken an overdose of two medicines. The doctors pumped her stomach but were unable to save her. When questioned by the police, her husband, who worked at the hospital's pharmacy, also stated that the couple had had a row on the same day and he had hit her. Gülperi O.'s father subsequently lodged a complaint with the prosecutor, stating that she had not been suicidal, and alleging that her husband was responsible for her death. In the course of the ensuing investigation, a forensic medical examination found no trace of medicines or other drugs in Gülperi O.'s blood or in other samples taken from her body, but it noted that there was an advanced oedema in her lungs. In February 2006, the prosecutor decided to close the investigation, concluding that Gülperi O. had committed suicide. An objection by Ms Durmaz – stating, in particular, that the prosecutor had failed to question her late daughter's husband, despite the fact that by his own

admission he had beaten her, and that the prosecutor's conclusion ran contrary to the findings of the forensic examination – was dismissed by the courts.

Relying in particular on Article 2 (right to life) and Article 13 (right to an effective remedy), Ms Durmaz complains that the investigation into the death of her daughter was ineffective. In particular, further expert reports would have been required, and the prosecutor should have investigated whether the cause of Gülperi O.'s death could have been an internal haemorrhage caused by the blows inflicted by her husband.

## Repetitive cases

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

**Baghdasaryan and Zarikyants v. Armenia** (no. 43242/05)

**Gharibyan and Others v. Armenia** (no. 19940/05)

**Ghasabyan and Others v. Armenia** (no. 23566/05)

The applicants in these cases are Armenian nationals who live in Yerevan. They complain that the forced expropriation of their respective flats in Yerevan, for construction projects, was unlawful. They rely in particular on Article 1 of Protocol No. 1 (protection of property).

**Panagos v. Greece** (no. 36382/10)

This case concerns the applicant's conditions of detention in Serres police station, where he was held in pre-trial detention for eighty days before being transferred to Thessaloniki Prison. He relies on Article 3 (prohibition of inhuman or degrading treatment).

**G.G. and Others v. Italy** (nos. 3168/11, 3170/11, 15195/11, 15200/11, 15203/11, 15205/11, 15976/11, 30691/11, 30762/11, 30767/11, 30786/11, 30792/11, 30795/11, 30830/11, 30835/11, 30839/11, 30855/11, 30899/11, and 47154/11)

These cases concern the length of civil proceedings brought by the applicants (or their deceased relatives) seeking compensation for the damage they allegedly sustained after they (or the deceased) were infected with various viruses in the course of blood transfusions carried out in public hospitals. The applicants rely on Article 2 (right to life).

**Shalya v. Russia** (no. 27335/13)

The applicant in this case complains that the length of his pre-trial detention, on charges of murder, of which he was later acquitted, was excessive. He relies on Article 5 § 3 (right to liberty and security).

**Kariž v. Slovenia** (no. 24383/12)

The applicant in this case, who was fined for a minor offence on the basis of a police report, complains about the unfairness of proceedings, notably because the courts upheld the fine without holding a hearing. He relies on Article 6 § 1 (right to a fair trial).

## Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of (non-criminal) proceedings.

**Birnleitner v. Austria (no. 2)** (no. 22601/09)

**Patrikios v. Greece** (no. 28617/10)

In the following cases, the applicants complain in particular about the excessive length of criminal proceedings against them.

**Stauder and Gabl v. Austria** (no. 10711/09)  
**Havas v. Hungary** (no. 64385/12)

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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.