

EUROPEAN COURT OF HUMAN RIGHTS

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FORTHCOMING CHAMBER JUDGMENTS

4 and 6 March 2008

The European Court of Human Rights will be notifying in writing 22 Chamber judgments on Tuesday 4 March 2008 and 11 on Thursday 6 March 2008.

Press releases and texts of the judgments will be available at **11 a.m.** (local time) on the Court's Internet site (<http://www.echr.coe.int>).

Tuesday 4 March 2008

Cavallo v. Italy (application no. 9786/03)

The applicant, Aurelio Cavallo, is an Italian national who was born in 1956. He was sentenced to life imprisonment for murder and other offences relating to activities of a mafia-type organisation. He is currently in prison in Carinola (Italy). He complains, in particular, about the special prison regime that was applied to him which resulted, among other things, in his having been subjected to repeated strip searches, permanent supervision of his cell by closed-circuit cameras, restrictions on family visits and monitoring of his correspondence. He relies on Articles 3 (prohibition of inhuman and degrading treatment) and 8 (right to respect for private and family life).

Marturana v. Italy (no. 63154/00)

The applicant, Gaetano Martuana, is an Italian national who was born in 1965 and lives in Agrigento (Italy). He was remanded in custody on suspicion of belonging to a criminal organisation engaged in usury and extortion; of attempting to commit murder; and of illegally carrying a weapon. The case concerns, in particular, the failure to notify the applicant of the charges against him because the detention order had never been served on him. Relying on Articles 5 (right to liberty and security) and 6 (right to a fair trial), he complains of the unlawfulness of his detention and of having been unable to exercise his defence rights. He also alleges that he was unable to correspond freely with his family, his lawyer and the Court, and that he was subjected to ill-treatment on account of the conditions of his detention. He relies on Articles 3 (prohibition of inhuman and degrading treatment), 8 (right to respect for private and family life), 10 (freedom of expression) 13 (right to an effective remedy), 34 (right of individual application) and Article 2 of Protocol No. 4 (freedom of movement).

S.J. v. Luxembourg (no. 34471/04)

The applicant, Mr S.J., is a national of Luxembourg who was born in 1976. He is currently in Luxembourg Prison. In criminal proceedings against him for acts of paedophilia he was remanded in custody from September 1999 and sentenced in December 2006 to 14 years' imprisonment. The applicant complains, under Article 5 § 3 (right to liberty and security), of the unreasonableness of the length of his detention pending trial and, under Article 6 § 1

(right to a fair trial within a reasonable time), of the length of the criminal proceedings brought against him.

Hołowczak v. Poland (no. 25413/04)

Wróblewski v. Poland (no. 11748/03)

Żelazko v. Poland (no. 9382/05)

The applicants are three Polish nationals: Tomasz Hołowczak, who was born in 1967 and lives in Czarne (Poland); Adrian Wróblewski, who was born in 1976 and is currently detained in Toruń Remand Centre (Poland); and, Maciej Żelazko, who was born in 1975 and lives in Sztum (Poland).

In February 1998 Mr Hołowczak was arrested on suspicion of, in particular, murder. He was ultimately convicted as charged in May 2004 and sentenced to life imprisonment.

In August 2002 Mr Wróblewski was arrested on charges of rape and murder. He was found guilty as charged in June 2005 and sentenced to 25 years' imprisonment. That judgment has since been quashed and the proceedings are still pending.

In October 2000 Mr Żelazko was remanded in custody on suspicion of aggravated murder and rape. He was ultimately convicted as charged in March 2007 and sentenced to 15 years' imprisonment.

Relying on Article 5 § 3 (right to liberty and security), all the applicants complain about the excessive length of their pre-trial detention. Mr Hołowczak and Mr Żelazko also complain about the excessive length of the criminal proceedings against them, in breach of Article 6 § 1 (right to a fair trial within a reasonable time).

Polejowski v. Poland (no. 38399/03)

The applicant, Józef Polejowski, is a Polish national who was born in 1939 and lives in Miechucino (Poland). He is unemployed and receives a monthly disability allowance. The case concerns the applicant's complaint about the Polish courts' refusal to exempt him from the payment of court fees in proceedings concerning a property claim. He relies on Article 6 § 1 (right of access to a court).

Revision

Stankiewicz v. Poland (no. 29386/03)

The applicant, Leszek Stankiewicz, is a Polish national who died on 9 September 2006. In a judgment of 17 October 2006, the Court held that there had been a violation of Article 5 § 3 (right to liberty and security) on account of the unreasonable length of his pre-trial detention. The Court also decided to award the applicant EUR 1,000 for non-pecuniary damage. The Polish Government asked the Court to revise the judgment because the applicant died prior to adoption of the judgment by the Court.

Burzo v. Romania (no. 75240/01)

The applicant, Emil Burzo, is a Romanian national who was born in 1935 and lives in Cluj-Napoca (Romania). He complains of the long time it took him to gain possession of a flat situated in an apartment block that had been reassigned to him and to receive the rent from the flat. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), he complains of the unfairness of the proceedings relating to the

court action he had taken to evict the occupants of his flat and of an infringement of his right to respect for his property.

Cerăceanu v. Romania (No. 1) (no. 31250/02)

The applicant, Adriana Doina Cerăceanu, is a Romanian national who was born in 1941 and lives in Bucharest. She is a translator. The case concerns proceedings for plagiarism brought by her in 1993 in respect of a novel she had translated. The proceedings are still pending today on account of a number of special appeals made by the parties. She relies on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 1 of Protocol No. 1 (protection of property).

Samoilă and Cionca v. Romania (no. 33065/03)

The applicants, Cristian Samoilă and Dumitru Cionca, are Romanian nationals who were born in 1968 and 1971 respectively and live in Oradea (Romania). In criminal proceedings brought against them for corruption, abuse of position and incitement to fabricate evidence, offences that were compounded by the fact that they were police officers at the relevant time, they were placed in pre-trial detention and sentenced to six years' imprisonment. The applicants allege that their pre-trial detention violated Article 5 § 3 (right to liberty and security). Under Articles 5 § 4 (right to have the lawfulness of detention decided speedily) and 6 § 2 (presumption of innocence), they also complain of the inability to challenge the lawfulness of their continuing detention and of an infringement of the right to respect for the presumption of innocence.

Stoica v. Romania (no. 42722/02)

The applicant, Constantin Decebal Stoica, is a Romanian national of Roma origin who was born in 1987. He lives in Gulia, a village in Romania which has an 80% Roma population, and is severely disabled. The case concerns the allegation that on 3 April 2001 the applicant, a minor at the time, was ill-treated by the police following a clash between the authorities and Roma outside a bar in Giulia and that the investigation into the incident was inadequate, in breach of Article 3 (prohibition of inhuman or degrading treatment). He also complains under Article 14 (prohibition of discrimination) in conjunction with Articles 3 and 13 that the ill-treatment and decision not to prosecute the police officer who had beaten him were motivated by racial prejudice. He further relies on Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy).

Andiçi v. Turkey (no. 27796/03)

The applicant, Hasan Andiçi, is a Turkish national who was born in 1930 and lives in Tunceli (Turkey). Relying on Article 6 (right to a fair trial), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property), he complains of the delay by the authorities in paying additional compensation for expropriation, plus inadequate default interest compared with the high rate of inflation in Turkey

Hüseyin Turan v. Turkey (no. 11529/02)

The applicant, Hüseyin Turan, is a Turkish national who was born in 1963 and lives in Izmir (Turkey). The case concerns an appeal against the imposition of an administrative fine on the applicant for employing someone without declaring his employment to the social-security authorities. The applicant complains, in particular, that the proceedings were unfair because there was no hearing. He relies on Articles 6 (right to a fair hearing) and 13 (right to an effective remedy).

Kızıyaprak v. Turkey (No. 2) (no. 9844/02)

The applicant, Zeynal Abidin Kızıyaprak, is a Turkish national who was born in 1960 and lives in Istanbul. The case concerns the applicant's complaints about his criminal conviction for disseminating separatist propaganda on account of the publication of two articles in the newspaper *Özgür Bakış*. Relying, in particular, on Article 6 (right to a fair trial), he complains of the unfairness of the proceedings brought against him.

Taştan v. Turkey (no. 63748/00)

The applicant, Hamdi Taştan, is a Turkish national who was born in 1929 and lives in Şanlıurfa (Turkey). He was registered in the civil status register in 1986 and in February 2000 was called up – at the age of 71 – to do military service. He was forced to undergo military training and to take part in all the same physical activities as 20-year old conscripts. After his state of health deteriorated he obtained a certificate exempting him from military service in April 2000. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), Mr Taştan complains that he was forced to perform his military service despite his advanced age. He complains further, under Article 8 (right to respect for private and family life), that he was deprived of all contact with his child. In addition, he alleges violations of Articles 4 (prohibition of forced labour) and 5 (right to liberty and security).

Veli Uysal v. Turkey (no. 57407/00)

The applicant, Veli Uysal, is a Turkish national who was born in 1925 and lives in Izmir (Turkey). The case concerns two sets of proceedings brought by the applicant in 1984 and 1985 regarding the cadastral plans relating to agricultural land owned by him. He relies on Article 6 § 1 (right to a fair hearing within a reasonable time), Article 1 of Protocol No. 1 (protection of property), Article 17 (prohibition of abuse of rights) and Article 18 (limitation on use of restrictions on rights).

Repetitive cases

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

Cîrstoiu v. Romania (no. 22281/05)

The applicant relies on Article 1 of Protocol No.1 (protection of property).

Licu v. Romania (no. 35077/02)

The applicant relies on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Uçma v. Turkey (no. 15071/03)

The applicants rely on Article 6 § 1 (right to a fair trial).

Length-of-proceedings cases

In the following cases, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings. The applicant in the case of *Wesołowska* also complains under Article 13 (right to an effective remedy).

Sassné Sári v. Hungary (no. 1056/05)
Wesołowska v. Poland (no. 17949/03)

Thursday 6 March 2008

Gavazov v. Bulgaria (no. 54659/00)

The applicant, Nikolay Kirilov Gavazov, is a Bulgarian national who was born in 1967 and lives in Pazardzhik (Bulgaria). In December 1998 the applicant was arrested and remanded in custody on rape charges. He was released in November 2000. The criminal proceedings against him are still pending. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), the applicant complains about the inhuman and degrading conditions of his detention in Pazardzhik Regional Investigation Service and Pazardzhik Prison. He also makes a number of complaints under Article 5 (right to liberty and security) concerning the unlawfulness of his detention and, under Article 6 § 1 (right to a fair trial within a reasonable time), complains about the excessive length of the criminal proceedings against him.

Hoření v. Czech Republic (no. 31806/02)

The applicant, Karel Hoření, is a Czech national who was born in 1930 and lives in České Budějovice (Czech Republic). In May 1995 the company belonging to the applicant signed a contract of association with a company called E.K. The case concerns an action brought by the applicant against E.K. in April 1997 for the return of office equipment and workshop keys. Relying on Article 6 § 1 (right of access to a tribunal), the applicant complains of the dismissal of his application by the Constitutional Court.

Gikas v. Greece (no. 903/06)

The applicant, Vasilios Gikas, is a Greek national who was born in 1953 and lives in Athens. He was arrested in November 2000 for fraud and given a three-year suspended prison sentence, which was reduced to a suspended eight-month prison sentence in June 2005. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the excessive length of the proceedings currently pending before the Court of Cassation.

Sekseni v. Greece (no. 41515/05)

The applicant, Baftjar Sekseni, is an Albanian national who was born in 1967 and is currently in Patras Prison (Greece). The case concerns criminal proceedings brought against him in April 2003 for possession of and trafficking in drugs. Those proceedings are still pending. He relies on Article 6 § 1 (right to a fair trial within a reasonable time).

Repetitive cases

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

Abdeyevy v. Russia (no. 38405/02)

Braga, Timofeyev and Kiryushkina v. Russia (no. 24229/03)

Denisov v. Russia (no. 34433/04)

Kuryanov v. Russia (no. 37643/04)

Trunov v. Russia (no. 9769/04)

The applicants all rely on Article 6 § 1 (right to a fair hearing). With the exception of ***Braga, Timofeyev and Kiryushkina***, they also rely on Article 1 of Protocol No. 1 (protection of property). The applicants in the case of ***Abdeyevy*** further rely on Article 13 (right to an effective remedy).

Length-of-proceedings cases

In the following cases, the applicants complain in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings.

Plazonić v. Croatia (no. 26455/04)

Techtron E.P.E. v. Greece (no. 5453/06)

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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.