



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 31 Chamber/Committee judgments on Tuesday 7 December 2010 and 15 on Thursday 9 December 2010.

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

Tuesday 7 December 2010

Just satisfaction

Gjyli v. Albania (application no. 32907/07)

The applicant, Ali Gjyli, is an Albanian national who was born in 1945 and lives in Durrës (Albania). He complained about the non-enforcement of two court judgments ordering his reinstatement in his post as director of a vocational training centre and the payment of salary arrears. In its judgment of 29 September 2009, the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, and that the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision. That question will be decided in the judgment to be delivered by the Court on 7 December 2010.

Mishgjoni v. Albania (no. 18381/05)

The applicant, Mirela Mishgjoni, is an Albanian national who was born in 1972 and lives in Vlore (Albania). The case concerns Ms Mishgjoni's complaint about the excessive length of proceedings with regard to her dismissal in 2002 from her post as a district court judge. She also complains that the related proceedings concerning payment of salary arrears were excessively long as well as unfair. She relies on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy).

Just satisfaction

Vrioni and Others v. Albania and Italy (nos. 35720/04 and 42832/06)

The applicants are two Albanian nationals, Shahin Vrioni and Oliver Vrioni, born in 1925 and 1946 respectively, and two Italian nationals, Gherardo La Francesca and Dario La Francesca, born in 1950 and 1974 respectively. The case concerned judicial proceedings for recovery of property (a plot of land in Tirana) and compensation. During those proceedings, it was decided to restore to the applicants a plot of land situated within the grounds occupied by the Italian Embassy in Tirana. In a judgment of 29 September 2009, the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property) to the Convention, on account of the Albanian authorities' failure to enforce the final court decision of June 2004 entitling the applicants to compensation *in lieu* of the restitution of the land around the Italian Embassy. It further held that the question of the application of Article 41 (just satisfaction) was not ready for decision. That question will be decided in the judgment to be delivered by the Court on 7 December 2010.

Jakóbski v. Poland (no. 18429/06)

The applicant, Janusz Jakóbski, is a Polish national who was born in 1965 and is currently serving an eight-year prison sentence in Nowogród Prison (Poland) for rape. A Buddhist, he complains that, contrary to the dietary rules of his faith, he has been refused a meat-free diet in prison. He relies on Articles 9 (freedom of thought, conscience and religion). Further relying on 14 (prohibition of discrimination), he also complains that other religious groups in prison are allowed a special diet.

Piotr Nowak v. Poland (no. 7337/05)

The applicant, Piotr Nowak, is a Polish national who was born in 1979 and lives in Przemyśl (Poland). Accused of assault in 1998 and subsequently arrested in January 2005 by the Polish border police, Mr Nowak complains about the unlawfulness of his detention until February 2005 when he was released on bail and alleges that he was not brought promptly before a judge. He relies in particular on Article 5 §§ 1 and 3 (right to liberty and security). He was ultimately acquitted in March 2008.

Tarnawczyk v. Poland (no. 27480/02)

The applicant, Maria Tarnawczyk, is a Polish national who was born in 1930 and lives in Sanok (Poland). The case concerns Ms Tarnawczyk's complaint that her house and its surrounding land in Sanok was designated in 1977 for future expropriation – without a specific time-frame – in order to construct a ring road and a viaduct. Neither the ring road nor the viaduct has ever been built. She also complains that, despite her repeated requests, the domestic courts failed to award her compensation. She relies on Article 1 of Protocol No. 1 (protection of property).

Público – Comunicação Social, S.A. and Others v. Portugal (no. 39324/07)

The first applicant is Público – Comunicação Social S.A., a company based in Maia (Portugal), which is the owner of *Público*, a large-circulation national daily newspaper. The other applicants are four Portuguese nationals: José Manuel Tavares de Almeida Fernandes (publication director of *Público* at the relevant time), and João Maria Ferreira Alves Ramos de Almeida, João José Mateus Fernandes and António Arnaldo da Cunha Oliveira Mesquita (all journalists with *Público* at the relevant time). Relying on Article 10 (freedom of expression), they complain that they were ordered to pay 75,000 euros (EUR) for defamation to the professional football club Sporting Clube de Portugal, following the publication in *Público* of an article claiming that the club owed substantial sums in social-security contributions.

Marian Niță v. Romania (no. 28162/05)

The applicant, Marian Niță, is a Romanian national who was born in 1963 and lives in Bucharest. He was an ambulance driver at the material time. In 1997 he and a nurse were accused of abandoning a patient in pyjamas in the street on a cold and wet night, resulting in the man's death. In 2003 the applicant obtained a full acquittal in a final decision. However, the case was reopened following an extraordinary appeal by the Romanian Procurator-General, and Mr Niță was eventually convicted of failure to assist a person in danger. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the reopening of the proceedings against him and of the overall length of the proceedings.

Porumb v. Romania (no. 19832/04)

The applicant, Ioan Porumb, is a Romanian national who was born in 1948 and lives in Rădești (Romania). He served a prison sentence for murder in various institutions until his release in 2005. Relying on Article 3 (prohibition of inhuman or degrading

treatment), he alleges that he was held in overcrowded cells in deplorable conditions, that he was not provided with appropriate medical care (for, among other illnesses, tuberculosis and chronic hepatitis) and that he was continually subjected to body searches in Gherla Prison.

[Trdan and Č. v. Slovenia \(no. 28708/06\)](#)

The applicants are two Slovenian nationals, Andrej Trdan, who was born in 1969 and lives in Ribnica (Slovenia), and his son, Č, who was born in 2005 and lives in Ljubljana. Mr Trdan separated from Č's mother shortly before he was born. Both applicants complain about the Slovenian authorities' failure to enforce contact arrangements and about delays in the court proceedings concerning child custody and provisional visits. They rely on Article 8 (right to respect for private and family life and home) and Article 6 § 1 (right to a fair hearing within a reasonable time).

[Eusko Abertzale Ekintza – Acción Nacionalista Vasca \(EAE-ANV\) v. Spain \(nos. 51762/07 and 51882/07\)](#)

The applicant, Eusko Abertzale Ekintza – Acción Nacionalista Vasca (EAE-ANV), is a Basque political party created in 1930. Its core ideology consists in asserting the particular identity of the Basque country and its right to freely determine its own future. In 1978 it supported the Herri Batasuna coalition in spite of political differences between the two groups. In 2003 Batasuna and Herri Batasuna (among others) were declared illegal. Subsequently, the candidatures of certain members of the applicant party in the May 2007 elections (municipal elections and elections to the provincial councils and the Navarra parliament) were revoked. The applicant party alleges a violation of Article 10 (freedom of expression) and Article 11 (freedom of assembly and association). It also relies on Article 3 of Protocol No. 1 (right to free elections). Lastly, under Article 13 (right to an effective remedy), it maintains that it had no effective remedy by which to complain of the alleged violations.

[Andersson v. Sweden \(no. 17202/04\)](#)

The applicant, Freddie Andersson, is a Swedish national who was born in 1930 and lives in Ingarö (Sweden). A former slaughterhouse worker and suffering from back and hip joint problems, Mr Andersson complains about the failure to hold an oral hearing in proceedings he brought concerning his claim for occupational injury compensation. He relies on Article 6 § 1 (right to a fair hearing).

[Alp and Others v. Turkey \(nos. 34396/05, 8753/06, 37432/06, 37435/06, 2873/07, 24664/07 and 44938/08\)](#)

[Orman and Others v. Turkey \(nos. 9462/05, 20369/05, 32652/05, 33193/05, 43845/05, 5295/06 and 48090/08\)](#)

[Ulu and Others v. Turkey \(nos. 29545/06, 15306/07, 30671/07, 31267/07, 21014/08 and 62007/08\)](#)

[Yer and Güngör v. Turkey \(nos. 21521/06 and 48581/07\)](#)

The applicants are 22 Turkish nationals who were arrested between 1994 and 2003 and detained pending judicial proceedings against them. Except for three of the applicants who are still detained pending trial, they have all subsequently either been released or convicted. All four cases essentially concern the excessive length of the applicants' pre-trial detention as well as of the criminal proceedings against them. They rely in particular on Article 5 §§ 3, 4 and 5 (right to liberty and security), Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy).

[Ergen and Others v. Turkey \(nos. 35364/05, 41169/05, 41498/05, 53346/08 and 54158/08\)](#)

The applicants are 16 Turkish nationals who live in Turkey. Relying on Article 1 of Protocol No. 1 (protection of property), they complain that the administrative authorities occupied their land for many years without a formally valid expropriation order. The applicants further allege that the domestic courts' decision to apply the statutory rate of default interest to the debt in their favour instead of the maximum rate applicable to public debts, as defined in Article 46 of the Constitution, led to a reduction in the amount of compensation due to them.

[Poyraz v. Turkey \(no. 15966/06\)](#)

The applicant, Yılmaz Poyraz, is a Turkish national who was born in 1937 and lives in Ankara. A senior judge and Ministry of Justice inspector at the time of the events, he was convicted in civil proceedings of defamation on the basis of a report he compiled in his capacity as inspector and which was leaked to the press, concerning allegations of professional misconduct by another senior judge, who was an adviser to the Minister of Justice and was in charge of the judges' lodgings. Relying, in particular, on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 10 (freedom of expression), he complains of his conviction and of a lack of fairness, impartiality and promptness in the proceedings against him.

[Mackay and BBC Scotland v. United Kingdom \(no. 10734/05\)](#)

The applicants are a retired journalist, A. Mackay, a British national, who was born in 1954 and lives in Glasgow (United Kingdom), and the British Broadcasting Corporation in Scotland (BBC Scotland). The applicants complain that they were unable to challenge a court order prohibiting reporting of the criminal trial in September 2004 of two men accused of importing and supplying drugs. They rely on Article 6 § 1 (right of access to a court), Article 10 (freedom of expression) and Article 13 (right to an effective remedy).

[Seal v. United Kingdom \(no. 50330/07\)](#)

The applicant, Robert Edward Seal, is a British national who was born in 1944 and lives in Merthyr Tydfil (United Kingdom). On 9 December 1997 Mr Seal was arrested at his mother's house for breach of the peace and, under the 1983 Mental Health Act, was subsequently removed to St Tydfil's hospital where he was detained and eventually released nine days later. Relying on Article 6 § 1 (right of access to a court), he complains about a subsequent decision to strike out his civil claim against the police for assault and false imprisonment on the ground that he had failed to obtain leave to file such a claim, a procedural requirement under the 1983 Act. He also complains under Article 6 § 1 (right to a fair trial) and Article 14 (prohibition of discrimination) that that requirement discriminated against those seeking to take legal action concerning detention under the compulsory powers contained in the 1983 Act.

Repetitive cases

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

Hüseyin Ak and Others v. Turkey (nos. 15523/04 and 15891/04)

In this case the applicants complain that they were deprived of their property without compensation. They rely on Article 1 of Protocol No. 1 (protection of property). Under Article 6 § 1 (right to a fair hearing), they further complain of a breach of the adversarial principle and the principle of equality of arms.

Köse v. Turkey (no. 37616/02)

In this case the applicants complain of the damage sustained when the compensation they were awarded for expropriation lost value because the statutory default interest rate was inadequate, and of the delay by the authorities in paying additional compensation. They rely on Article 1 of Protocol No. 1 (protection of property).

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.

Berretta and Ciarcia v. Italy (nos. 37904/03 and 11332/04)

Bonalzoo S.R.L. v. Italy (nos. 19876/03, 32239/03 and 32240/03)

De Rosa and Others v. Italy (nos. 3666/03, 11966/03 and 11969/03)

Ge.Pa.F and Others v. Italy (nos. 30403/03, 32231/03, 32232/03 and 32259/03)

G.M.P. Impianti v. Italy (no. 19268/04)

Głowacka and Królicka v. Poland (no. 1730/08)

Iwankiewicz v. Poland (no. 6433/09)

Klik v. Poland (no. 39836/09)

Kapusız v. Turkey (no. 4753/07),

Thursday 9 December 2010

[Urbanek v. Austria \(no. 35123/05\)](#)

The applicant, Max Urbanek, is an Austrian national who was born in 1943 and lives in St Pölten (Austria). A retired lawyer, Mr Urbanek complains about the excessive court fees he was required to pay to obtain admission of his claims (mostly lawyers' fees) in insolvency proceedings in respect of a company which traded in cars and which he had represented for many years. He relies on Article 6 § 1 (access to a court) and Article 13 (right to an effective remedy).

[Muradverdiyev v. Azerbaijan \(no. 16966/06\)](#)

The applicant, Akif Shamsaddin oglu Muradverdiyev, is an Azerbaijani national who was born in 1949 and lives in Baku. Formerly a high-ranking official of the Office of the President of the Republic of Azerbaijan, he was arrested and detained in October 2005 on suspicion of having known, and having failed to inform the authorities, about a failed *coup d'état*, allegedly planned for November 2005. He was subsequently convicted in October 2006 of, among other offences, embezzlement of public funds and abuse of official power and sentenced to six years' imprisonment, later reduced to five years. He was released in January 2008. Relying on Article 5 §§ 1, 2 and 3 (right to liberty and security), he complains in particular about the unlawfulness of his arrest and excessive length of his continued pre-trial detention which was extended by a standard formula without addressing the specific facts of his case. He also complains that a joint statement issued by the law-enforcement authorities concerning the pending criminal proceedings against him was in breach of Article 6 § 2 (presumption of innocence).

Savez Crkava Riječ Života and Others v. Croatia (no. 7798/08)

The applicants are *Savez crkava "Riječ života"* (Union of Churches "The Word of Life"), *Crkva cjelovitog evanđelja* (Church of the Full Gospel) and *Protestantska reformirana kršćanska crkva u Republici Hrvatskoj* (Protestant Reformed Christian Church in the Republic of Croatia). Based in Zagreb and Tenja, they are churches of a Reformist denomination which have been registered as religious communities under Croatian law since 2003. The case concerns the applicant churches' complaint that, unlike other religious communities in Croatia, they could not provide religious education in public schools and nurseries or obtain official recognition of their religious marriages as the domestic authorities refused to conclude an agreement with them regulating their legal status. They rely on Article 6 § 1 (access to a court), Article 9 (freedom of thought, conscience and religion), Article 13 (right to an effective remedy), Article 14 (prohibition of discrimination) and Article 1 of Protocol No. 12 (general prohibition of discrimination).

Rodinná Záložna, Spořitelní a Úvěrní Družstvo v. Czech Republic (no. 74152/01)

The applicants are Rodinná záložna, spořitelní a úvěrní družstvo, a national savings and credit cooperative based in Moravské Budějovice (Czech Republic), and four Czech nationals who are members of the cooperative: Drahoslav Honek, Jiří Halberštát, Václav Vaněrka and Jan Živný. Beginning in 1998, the Savings and Credit Cooperatives Supervisory Agency imposed frequent prohibitions and restrictions on the activities of the applicant cooperative and on several occasions placed it in administration, on account of management irregularities. The applicants contend that those measures were in breach of Article 1 of Protocol No. 1 (protection of property). Relying on Article 6 § 1 (right to a fair hearing), the cooperative also alleges that, prior to 2003, it did not have an effective remedy in respect of these measures (the individual applicants' complaint in this regard was declared [inadmissible](#) in 2006). The cooperative further relies on Article 13 (right to an effective remedy).

Gezginci v. Switzerland (no. 16327/05)

The applicant, Cevdet Gezginci, is a Turkish national who was born in 1954 and lives in Switzerland. He has lived mainly in that country for almost 30 years, on the basis of residence permits between 1980 and 1998 and unlawfully during the remaining periods. In 2003 the authorities refused his application for a residence permit on humanitarian grounds. Shortly afterwards, his ex-wife disappeared without trace, leaving him to care for their daughter, who was 11 years old at the time. The applicant lodged several appeals against the refusal, without success. Relying mainly on Article 8 (right to respect for private and family life), he complains of the refusal to grant him a residence permit on humanitarian grounds.

Bulanov and Kupchik v. Ukraine (nos. 7714/06 and 23654/08)

The applicants are two Ukrainian nationals, Boris Bulanov who was born in 1951 and lives in Sebastopol, and, Valentin Kupchik, who was born in 1961 and lives in Lysychansk. They complain that their respective claims for recalculation of a pension and recovery of salary arrears were not considered at all on appeal as the Supreme Court and Higher Administrative Court could not agree as to who had jurisdiction. They rely in particular on Article 6 § 1 (right of access to a court).

Sylenok and Tekhnoservis-Plus v. Ukraine (no. 20988/02)

The applicants are Oleksandr Sylenok, a Ukrainian national who was born in 1963 and lives in Chernigiv (Ukraine), and his limited liability company company, Tekhnoservis-Plus, based in Chernigiv. Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Sylenok alleges that he was beaten by the police during his

arrest and subsequent detention at a police station in January 2001 and that, despite medical evidence of his injuries (including broken ribs and concussion), the authorities failed to carry out an independent and effective investigation. Relying on Article 6 § 1 (right to a fair hearing), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy), the applicant company complains about the non-enforcement of a judgment given in its favour in June 2004.

Zhupnik v. Ukraine (no. 20792/05)

The applicant, Mikhail Zhupnik, is a Ukrainian national who was born in 1944 and lives in Odessa (Ukraine). The case concerns Mr Zhupnik's complaint about the unfairness and excessive length of criminal proceedings brought against him for defrauding employees involved in the privatisation of a State company. He was convicted of abuse of position in October 2003; that conviction was upheld on appeal in May 2006. He relies on Article 6 §§ 1 and 3 (a) and (b) (right to a fair trial within a reasonable time), alleging in particular that he was not able to properly prepare his defence as the trial court re-characterised the charge against him (from fraud to abuse of position).

Repetitive cases

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

Ismayilova v. Azerbaijan (no. 18696/08)

This case concerns the non-enforcement of a judgment in the applicant's favour. She relies on Article 6 § 1 (right to a fair hearing), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy).

Atanasov v. Bulgaria (no. 19315/04)

Kostakov v. Ukraine (no. 32568/05)

These cases concern in particular the applicants' complaints concerning the excessive length of criminal proceedings brought against them for murder and extortion (**Atanasov**) and robbery and illegal possession of weapons (**Kostakov**). They rely on Article 6 § 1 (right to a fair trial within a reasonable time).

Petkov v. Bulgaria (no. 1399/04)

This case concerns the applicant's complaint regarding the monitoring of his correspondence with the Court while he was in prison. He relies on Article 8 (right to respect for correspondence).

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.

Costacurta v. Luxembourg (no. 51848/07)

Mayster v. Ukraine (no. 18951/04)

Sokor v. Ukraine (no. 49009/07)

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on its [Internet site](#). To receive the Court's press releases, please subscribe to the [Court's RSS feeds](#).

Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

Emma Hellyer (tel: + 33 3 90 21 42 15)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Kristina Pencheva-Malinowski (tel: + 33 3 88 41 35 70)

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

Frédéric Dolt (tel: + 33 3 90 21 53 39)

Nina Salomon (tel: + 33 3 90 21 49 79)

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.