



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 27 Chamber/Committee judgments on Tuesday 11 January 2011 and 34 on Thursday 13 January 2011.

*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)*

Tuesday 11 January 2011

[Darvas v. Hungary \(application no. 19547/07\)](#)

The applicant, Milán Darvas, is a Hungarian national who was born in 1985 and lives in Ajka (Hungary). Arrested on charges of aggravated drug trafficking in May 2005, he was held in pre-trial detention until being released on bail in November 2006. Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security) of the European Convention on Human Rights, he complains that there were no valid reasons for his prolonged detention.

[Somogyi v. Hungary \(no 5770/05\)](#)

The applicant, Tamás Pál Somogyi, is a Hungarian national who was born in 1951 and lives in Tököl (Hungary). He complains in particular that, as a result of a mistake by the Hungarian courts ruling on the conditions in which he was to serve a sentence handed down by an Italian court, he spent two years and five months in a strict, rather than medium, regime prison and his conditional release was unduly delayed.

[Bordeianu v. Moldova \(no. 49868/08\)](#)

The applicant, Marcela Bordeianu, is a Moldovan national who was born in 1977 and lives in Edineț (Moldova). Two children were born in 2002 and 2005 from her marriage to a man whom she divorced in 2006. Relying on Articles 8 (right to respect for private and family life and home) and 6 § 1 (right to a fair hearing within a reasonable time), she argues that the Moldovan State failed to take the necessary measures to ensure enforcement of a final judicial decision granting her custody of her daughter.

[Jędrzejczak v. Poland \(no. 56334/08\)](#)

The applicant, Janusz Jędrzejczak, is a Polish national who was born in 1958 and lives in Białystok (Poland). His motion for a disability pension having been refused by the regional court and the court of appeal, he was, on his request, assigned a legal-aid lawyer in June 2008 for the purpose of cassation proceedings. He complains that, as that lawyer found no points of law on which to base a cassation appeal in his case and as his request to be granted another lawyer was dismissed, he was denied access to the Supreme Court, in violation of Article 6 § 1 (right to a fair hearing).

[Barata Monteiro da Costa Nogueira and Patrício Pereira v. Portugal \(no. 4035/08\)](#)

The applicants, Paula Cristina Barata Monteiro da Costa Nogueira and Bruno Patrício Moreira, are two Portuguese nationals who were born in 1968 and 1974 respectively and

live in Castelo Branco (Portugal). They were convicted of defamation for comments they gave to the press as political leaders of the *Bloco de Esquerda* party. They had accused a doctor and local politician of abuse of authority with acquisition of a prohibited interest. They claim that their conviction was in breach of Article 10 (freedom of expression).

[Hacioglu v. Romania \(no. 2573/03\)](#)

The applicant, Sezgin Hacioglu, is a Turkish and Bulgarian national who was born in 1968 and lives in Istanbul. When trying to leave the country in August 1999, he was arrested at the Romanian border on suspicion of theft of documents and industrial espionage for which he was sentenced in February 2000. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life and the home), he complains about not being fed or being allowed to contact his family during the first 24 hours following his arrest, as well as about the poor conditions in which he was detained to serve his sentence. Relying further on Article 6 §§ 1 and 3 (right to a fair trial), he complains that his defence rights have been breached.

[Vergu v. Romania \(no 8209/06\)](#)

The applicant, Ștefan Vergu, is a Romanian national who was born in 1956 and lives in Buzău (Romania). Relying on Article 1 of Protocol No. 1 (protection of property), he complains that road construction by the State on land belonging to him was tantamount to illegal confiscation, with no compensation.

[Berü v. Turkey \(no. 47304/07\)](#)

The applicants, Zeki, Hacı, Zübeyde, Meral, Keziban and Berivan Berü, are six Turkish nationals, all members of the same family. Their daughter or sister, then aged nine, was lethally attacked by stray dogs in their village which had previously injured other villagers and killed cattle. Relying on Article 2 (right to life) the applicants argue that the dogs belonged to the gendarmerie and that gendarmes instigated the attack on children, or at least failed to prevent it. Relying on Article 6 §1 (right to a fair hearing within a reasonable time) they further complain about the length of the examination of their application to an administrative court for damages in connection with the incident.

[Çahit Aydın v. Turkey \(no. 12838/05\)](#)

The applicant, Cahit Aydın, is a Turkish national who was born in 1971 and lives in Ankara. He was given a prison sentence of 16 years and six months for belonging to the PKK (Kurdistan Workers' Party, an illegal armed organisation). Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 §§ 3 and 4 (right to liberty and security), 6 §§ 1 and 3 (c) (right to a fair trial within a reasonable time), he essentially complains about the length of the criminal proceedings against him and about the absence of a lawyer during his police custody.

[Hakan Arı v. Turkey \(no. 13331/07\)](#)

The applicant, Hakan Arı, is a Turkish national who was born in 1972 and lives in Mersin (Turkey). The owner of a nursery of about 405 square metres, he was denied a building permit because his land had been earmarked for a school. Relying on Article 1 of Protocol No. 1 (protection of property) he complains that that assignment of land, without compensation, restricted its potential use and breached his right to the enjoyment of his property.

[Mehmet Nuri Özen and Others v. Turkey \(nos. 15672/08, 24462/08, 27559/08, 28302/08, 28312/08, 34823/08, 40738/08, 41124/08, 43197/08, 51938/08 and 58170/08\)](#)

The applicants are ten Turkish nationals who, at the time they lodged their applications, were serving their sentences in high-security facilities (the type F prison in Tekirdağ and high-security Bolu prison). Relying in particular on Article 8 (right to respect for private and family life and correspondence), the applicants complain about a refusal by the prison authorities to dispatch letters that they had written in a language other than Turkish. They all allege that they have suffered a breach of their right to freedom of correspondence and some of the applicants criticise the related fact that the authorities could not provide for the translation of their letters into Turkish.

[Servet Gündüz and Others v. Turkey \(no. 4611/05\)](#)

The applicants, Servet Gündüz, Nermin Gündüz and Fadime Gökçe Gündüz, are Turkish nationals who were born in 1949, 1963 and 1980 respectively. They are the father, mother and sister of İbrahim Serkan Gündüz. The case concerns İbrahim's suicide in 2002 when he was doing his compulsory military service in Hakkari, a province on the south-eastern border of Turkey. The young man killed himself by walking onto a minefield after an argument with his superior. Relying on Article 2 (right to life) the applicants complain that the military authorities failed to take into account his fragile psychological condition and inflicted ill-treatment on him, which they claim triggered his suicide.

[Ali v. United Kingdom \(no. 40385/06\)](#)

The applicant, Abdul Hakim Ali, is a British national who was born in 1987 and lives in Milton Keynes (United Kingdom). Suspected of having started a fire in a waste paper basket in a classroom in his school, he was excluded from school in March 2001 and told not to return until the police investigation was completed. He complains that the exclusion, which lasted ten months, violated his rights under Article 2 of Protocol No. 1 (right to education).

[McKeown v. United Kingdom \(no. 6684/05\)](#)

The applicant, Clifford George McKeown, is a British national who was born in 1959 and is currently detained in Maghaberry Prison (Northern Ireland). Convicted of terrorism-related offences and sentenced to prison, he complains that his trial was unfair because the courts had not disclosed material evidence to the defence on public interest grounds. He relies on Article 6 § 1 (right to a fair trial).

Repetitive cases

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

Silva Barreira Júnior v. Portugal (nos. 38317/06 and 38319/06)

Sociedade Agrícola do Ameixal, S.A. v. Portugal (no. 10143/07)

Sociedade Agrícola Vale de Ouro, S.A. v. Portugal (no. 44051/07)

These cases concern the delay in calculating and paying the compensation awarded to the applicants for expropriation. They rely on Article 1 of Protocol No. 1 (protection of property).

Rednic and Others v. Romania (no. 123/08)

This case concerns the applicants' complaint that the domestic authorities failed to enforce final judgments in their favour. They rely on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Just satisfaction

Anthousa Iordanou v. Turkey (no. 46755/99)

This case concerned the applicant's allegation that the Turkish occupation of the northern part of Cyprus deprived her of access to her property. In a judgment of 24 November 2009, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) and that the question of the application of Article 41 (just satisfaction) was not ready for decision. This will be decided in a judgment to be delivered on 11 January 2011.

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of legal proceedings.

Criminal

Seppälä v. Finland (no. 45981/08)

This case concerns the applicant's complaint concerning the excessive length of criminal proceedings brought against him for tax fraud and other related offences.

Non-criminal

Baráti v. Hungary (no 44413/05)

János Lakatos v. Hungary (no 35701/05)

Gawlik v. Poland (no. 26764/08)

Mazurek v. Poland (no. 41265/05)

Košický and Others v. Slovakia (no. 11051/06)

Radvák and Radváková v. Slovakia (no. 25657/08)

Öner and Others v. Turkey (nos. 9508/06, 26255/06 and 35853/06)

Thursday 13 January 2011

[Soltanov and Others v. Azerbaijan](#) (nos. 41177/08, 41224/08, 41226/08, 41245/08, 41393/08, 41408/08, 41424/08, 41688/08, 41690/08 and 43635/08)

The applicants are ten Azerbaijani nationals, holders of vouchers for their flats which are currently occupied by internally-displaced families from regions under the control of Armenian military forces, following the Nagorno-Karabakh conflict. The applicants complain about the non-enforcement of domestic court judgments which ordered the occupants' eviction. They rely in particular on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

[Svetoslav Hristov v. Bulgaria](#) (no. 36794/03)

The applicant, Svetoslav Hristov, is a Bulgarian national who was born in 1968 and lives in Sofia. He was working at the relevant time for an airline company specialising in freight. He was arrested and taken into police custody on suspicion of helping to smuggle a significant quantity of cigarettes. Relying on Article 5 §§ 1, and 3 (right to liberty and security), he alleges that his police custody was unlawful and complains that he was brought before a judge only after six days. Under Article 5 §§ 4 and 5, he complains that he was unable to challenge the lawfulness and necessity of his police custody and that he had no remedy by which to obtain compensation for the alleged violations of the Convention.

[Hoffer and Annen v. Germany \(nos. 397/07 and 2322/07\)](#)

The applicants, Collene Hoffer, an Australian and Italian national, and Klaus Annen, a German national, were born in 1945 and 1951 respectively and live in Heilbronn and Weinheim (Germany). Relying, in particular, on Article 10 (freedom of expression) and Article 6 § 1 (right to a fair trial within a reasonable time), they complain that they were convicted for distributing leaflets, outside a Nuremberg medical centre, which called a doctor at that centre a “killing specialist” and contained information against abortion.

[Haidn v. Germany \(no. 6587/04\)](#)

The applicant, Albert Haidn, is a German national who was born in 1934 and is currently detained in a psychiatric hospital in Bayreuth. Having served his full sentence of three years and six months imprisonment for rape, his placement in prison for an indefinite duration was ordered by the Bayreuth regional court in April 2002. He complains that this continued detention in prison for preventive purposes after having fully served his sentence under the Bavarian (Dangerous Offenders’) Placement Act, which was subsequently declared unconstitutional by the Federal Constitutional Court, violated Article 5 § 1 (right to liberty and security). He further claims that his preventive detention, in view of the circumstances in which it had been ordered and of its indefinite duration, violated Article 3 (prohibition of inhuman or degrading treatment).

[Kallweit v. Germany \(no. 17792/07\)](#)

[Mautes v. Germany \(no. 20008/07\)](#)

[Schummer v. Germany \(nos. 27360/04 and 42225/07\),](#)

The applicants, Rüdiger Kallweit, Manuel Mautes and Martin Schummer, are three German nationals who were born in 1955, 1960 and 1959 respectively. The first two applicants are currently detained in Aachen Prison (Germany) and the third applicant lives in Freiburg (Germany). All three of them were given prison sentences by the courts for different serious offences including sexual coercion and rape. At the same time, the courts ordered their placement in preventive detention. Relying on Article 5 § 1 (right to liberty and security), all three applicants complain that their preventive detention after having served their full sentences was unlawful. They further complain that the retrospective extension of their preventive detention from a period of ten years, which was the maximum for such detention under the legal provisions applicable at the time of their offences, to an unlimited period of time violated Article 7 § 1 (no punishment without law). The third applicant also relies on Articles 3 (prohibition of inhuman or degrading treatment).

[Kubler v. Germany \(no. 32715/06\)](#)

The applicant, Tobias Kübler, is a German national who was born in 1960 and lives in Stuttgart (Germany). Relying on Article 6 § 1 (right of access to a court), he complains that his right of access to a court was breached as a result of the non-enforcement of an interim injunction issued by the Federal Constitutional Court and ordering the regional Ministry of Justice to keep one post of advocate notary vacant pending the examination of the applicant’s constitutional complaint with which he contested not being given such a post.

[Drakos v. Greece \(no. 48289/07\)](#)

The applicant, Kyriakos Drakos, is a Greek national who was born in 1973 and lives in Athens. He was sentenced in 2001 *in absentia* to seven months’ imprisonment for causing bodily harm by negligence, following a road traffic accident in which he injured two motorcyclists. Mr Drakos had changed address between the start of the criminal proceedings and the criminal court judgment, of which he was informed by the police on 23 February 2005 after an unsuccessful attempt in 2003. Relying on Article 6 § 1 (right

of access to a court/right to a fair trial within a reasonable time) he complains about the rejection as out-of-time of his appeal of 24 February 2005 and the length of the proceedings. Under Article 13 (right to an effective remedy) he alleges that there is no remedy in Greece by which he could have had those complaints examined.

[Evaggelou v. Greece \(no. 44078/07\)](#)

The applicant, Evaggelos Evaggelou, is a Greek national who was born in 1947 and lives in Corfu (Greece). He was given a suspended sentence of eight months' imprisonment for the offence of malicious accusation. Relying on Article 6 § 1 (right of access to a court/right to a fair trial within a reasonable time) he complains about the dismissal of his appeal on points of law on the ground that his lawyer's written authority to represent him had not been appended, and about the length of the criminal proceedings against him. Under Article 13 (right to an effective remedy) he alleges that there is no remedy in Greece by which he could have had those complaints examined.

[Klithropiia Ipirou Evva Hellas A.E. v. Greece \(no. 27620/08\)](#)

The applicant is Klithropiia Ipirou Evva Hellas A.E., a limited company incorporated in Greece with its registered office at Ioannina. It appealed to the Supreme Administrative Court in the context of administrative proceedings to obtain payment of compensation, but its action was dismissed as out of time. Relying on Article 6 § 1 (right of access to a court/right to a fair trial within a reasonable time), the applicant company complains of the fact that the time-limit for an appeal before the Supreme Administrative Court was calculated from the time when the Court of Appeal's judgment was served at the office of a lawyer by which it was no longer represented. It also complains about the length of the proceedings, and under Article 13 (right to an effective remedy) it alleges that there is no remedy in Greece by which it could have had that complaint examined.

[Mouvement Raëlien suisse v. Switzerland \(no 16354/06\)](#)

The applicant association, set up in 1977, is a non-profit association registered in Rennaz (Canton of Vaud). It is the national branch of the "Raëlian Movement", an organisation based in Geneva and founded in 1976 with the stated aim of ensuring the first contacts and establishing good relations with extraterrestrials. In 2001 it requested permission from the Neuchâtel police to put up posters. Permission was denied, among other things because it was contrary to public order and because the Raëlians had previously been the subject of criminal complaints about sexually deviant practices involving children. The applicant association relies on Articles 9 (freedom of thought, conscience and religion) and 10 (freedom of expression) to complain about that refusal.

[Mikhalkova and Others v. Ukraine \(no. 10919/05\)](#)

The applicants, Olga Mikhalkova, Sergey Mikhalkov and Natalya Bikbulatova (Besbulatova), are three Ukrainian nationals born in 1938, 1968 and 1978 respectively and living in Maryivka (Ukraine). Relying on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment), they complain in particular that their son and brother died as a result of ill-treatment by the police in a sobering-up facility in April 2003 and that no effective investigation into it has been carried out.

Repetitive cases

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

Kazmin v. Russia (no. 42538/02)

This case concerns, in particular, the applicant's complaints that the domestic authorities failed to enforce five final judgments in his favour and the quashing of one of the

judgments by way of supervisory review. He relies on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair hearing).

Tokazov v. Russia (no. 19440/05)

Chuykina v. Ukraine (no. 28924/04)

These cases concern the applicants' complaints that the domestic authorities failed to enforce final judgments in their favour in good time, and the excessive length of the non-enforcement proceedings. They rely on Article 6 § 1 (right to a fair hearing within a reasonable time).

Length-of-proceedings cases

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

Criminal

Iliya Kolev v. Bulgaria (no. 21205/04)

Lorandou v. Greece (no. 5716/08)

Pagonis v. Greece (no. 23916/08)

Tsivelis v. Greece (no. 41762/08)

This case concerns in particular the applicant's complaint concerning the excessive length of criminal proceedings brought against them for burglary (first case), fraud (second case), drug trafficking (third case) and procuring and repeated rapes (fourth case).

Non-criminal

Jeans v. Croatia (no. 45190/07)

Popovic v. Germany (no. 34236/06)

Anastasopoulos v. Greece (no. 57072/08)

Glentzes v. Greece (no. 28627/08)

Kallitsis v. Greece (no. 5179/09)

Siakapeti and Others v. Greece (no. 23929/08)

Stamatis v. Greece (no. 41582/08)

Stasinopoulou v. Greece (no. 50581/08)

Kartashev v. Russia (no. 10994/05)

Kolkova v. Russia (no. 20785/04)

Kozyak v. Russia (no. 25224/04)

Rubtsova v. Russia (no. 22554/04)

Zhukovskiye v. Russia (no. 23166/04)

Sokolovski v. Ukraine (no. 28660/04)

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