

EUROPEAN COURT OF HUMAN RIGHTS

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FORTHCOMING CHAMBER JUDGMENTS

12 and 14 February 2008

The European Court of Human Rights will be notifying in writing 13 Chamber judgments on Tuesday 12 February 2008 and 23 on Thursday 14 February 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 12 February 2008

Jouan v. Belgium (application no. 5950/05)

The applicant, Dominique Jouan, is a French national who was born in 1964 and lives in Beauvais-sur-Tescou (France). The prosecuting authorities in Charleroi (Belgium) placed him under judicial investigation on suspicion of money laundering and ordered the preventive attachment of his bank account. The investigation continued in France and the attachment was maintained. The applicant complains that his bank account in Belgium was blocked for an unreasonable length of time and that he did not have access to his case file. He relies, in particular, on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights.

Flux (No. 4) v. Moldova (no. 17294/04)

The applicant, Flux, is a Moldovan newspaper based in Chişinău. The case concerns the newspaper's conviction for defamation of the leader of the Communist Faction of Parliament, Victor Stepaniuc, in 2003. The applicant newspaper relies on Article 10 (freedom of expression).

Just satisfaction

Oferta Plus S.R.L. v. Moldova (no. 14385/04)

The applicant, Oferta Plus S.R.L., is a company incorporated in Moldova. In a judgment of 19 December 2006 the Court held that there had been a violation of Articles 6 § 1 (right to the fair hearing), 1 of Protocol No. 1 (protection of property) and 34 (right of individual petition) and considered that the question of just satisfaction was not ready for decision.

Pankiewicz v. Poland (no. 34151/04)

The applicant, Władysław Pankiewicz, is a Polish national who was born in 1952 and lives in Lubin (Poland). He was arrested and remanded in custody in March 2003 on suspicion of uttering threats. The case concerns the applicant's complaint that he was unlawfully detained in a regular detention centre pending his transfer to a psychiatric hospital and about the excessive length of his pre-trial detention. He relies in particular on Article 5 (right to liberty and security).

Pyrak v. Poland (no. 54476/00)

The applicant, Bogusław Pyrak, is a Polish national who was born in 1940 and lives in Brochów (Poland). The case concerns his allegations that the length of his detention, on charges of embezzlement, was excessive and that his appeal against the prolongation of his pre-trial detention was not examined “speedily”. He relies on Article 5 (right to liberty and security).

Ali Göktaş v. Turkey (no. 9323/03)

Apaydin v. Turkey (no. 502/03)

Faruk Deniz v. Turkey (no. 19646/03)

Kılıç and Korkut v. Turkey (nos 25949/03 and 25976/03)

The six applicants are Turkish nationals. Suspected of belonging to an illegal organisation, the DHKP/C (Revolutionary People's Liberation Party/Front), they were arrested and remanded in custody. They were subsequently acquitted and took action seeking compensation for the damage sustained as a result of their deprivation of liberty. They rely on Articles 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) and 1 of Protocol No. 1 (protection of property).

Kılıçoğlu and Others v. Turkey (no. 50945/99)

The 11 applicants are Turkish nationals. They were all members of HADEP (the People's Democracy Party) at the material time. They were arrested and placed in police custody in February 1999 as “suspects” during operations in the Diyarbakır region to prevent potential incidents following the arrest of Workers' Party of Kurdistan (PKK) leader Abdullah Öcalan. No proceedings were brought against them. Relying on Article 5 §§ 1 (c), 3 (right to liberty and security) and 4 (right to take proceedings to determine the lawfulness of detention), they complain that their arrest was illegal. They also complain of the length of time for which they were held in police custody and the lack of a remedy enabling them to challenge the lawfulness of their detention.

Sonkaya v. Turkey (no. 11261/03)

The applicant, Hasan Sonkaya, is a Turkish national who was born in 1965 and lives in Istanbul. As President of the Deri-İş leather workers' trade union in Tuzla, he took part in a demonstration to support employees who had been laid off. He was taken into police custody. Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant alleges that while in custody he was subjected to ill-treatment by the gendarmes.

Length-of-proceedings cases

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

Kyziol v. Poland (no. 24203/05)

Báňas v. Slovakia (no. 42774/04)

Thursday 14 February 2008

Rumyana Ivanova v. Bulgaria (no. 36207/03)

The applicant, Romyana Dencheva Ivanova, is a Bulgarian national who was born in 1952 and lives in Sofia. At the relevant time she was employed as a reporter at *24 Hours*, one of the leading national daily newspapers. The case concerns the applicant's conviction for defamation of a former Member of Parliament, Mr M. D., in 2002. She relies on Articles 6 (right to a fair trial) and 10 (freedom of expression).

Glaser v. the Czech Republic (n° 55179/00)

The applicant, Peter Edward Glaser, has dual Czech and US nationality. He was born in 1923 and is currently living in Lexington (United States of America). In June 1948 he deposited his collection of Arab works of art with the Jewish Museum in Prague. In 1997, after seeking in vain to recover his collection, he brought an action for its recovery. He relies on Article 6 § 1 of the Convention (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Association Avenir d'Alet v. France (no. 13324/04)

The applicant, Association Avenir d'Alet, is an association under French law whose aim is to defend the interests of the municipality of Alet-les-Bains (France), where its offices are located. The applicant association lodged an application to have two decisions of the municipal council set aside, awarding a firm a real-estate concession and a contract to exploit spring waters in Alet. Relying on Article 6 § 1 (right to a fair hearing), it complains that proceedings before the *Conseil d'Etat* were not fair.

July and Sarl Libération v. France (no. 20893/03)

The first applicant, Serge July, who was born in 1942 and lives in Paris, was the publication director of the French daily newspaper *Libération*. The second applicant, the private limited company SARL "Libération", is represented by Mr July, who was its manager at the material time. The applicants' complaints concern their conviction for defamation because of the publication in March 2000 of an article reporting statements made at a press conference concerning the case of judge Bernard Borrel, a French judge found dead in suspicious circumstances in 1995 while on assignment in Djibouti. The applicants complain that their conviction for defamation violated their rights under Articles 10 (freedom of expression) and 6 § 1 (right to a fair trial).

Just satisfaction

Geerings v. the Netherlands (no. 30810/03)

The applicant, Gerardus Antonius Marinus Geerings, is a Netherlands national who was born in 1977 and lives in Eindhoven (Netherlands). In a judgment of 1 March 2007 the Court held unanimously that there had been a violation of Article 6 § 2 (presumption of innocence) and considered that the question of just satisfaction was not ready for decision.

T.N.B. and C.D. v. Romania (no. 40067/06)

The applicants, T.N.B. and C.D., are Romanian nationals who were born in 1977 and 1946 respectively and live in Bucharest. The case concerns the lack of running water in their home for several years and the action they took against the utility company responsible for the water supply. They complain, among other things, of failure to enforce a final judgment, and the failure of the Romanian authorities to take action to stop the violation of their right to respect for their home and remedy the inhuman conditions they had to put up with as a result of the lack of water in the sanitary facilities in their home. They rely on Articles 3 (prohibition of inhuman or degrading treatment), 6 § 1 (right to a fair hearing), 8 (right to

respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination) and Article 1 of Protocol No. 1 (protection of property).

Igna and Igna (Valea) v. Romania (nos 1526/02 and 1528/02)

The applicants, Emil and Daniela Igna, are Romanian nationals who were born in 1965 and 1971 respectively and live in Păuliș (Romania). They complain of the setting aside of a final judgment awarding them compensation, following an appeal lodged by the public prosecutor. They rely on Article 6 § 1 of the Convention (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

Hussain v. Romania (no. 12338/02)

The applicant, Emad Abdul Amir Hussain, is an Iraqi national who was born in 1956 and lives in Bucharest. He alleges that the Romanian authorities failed to carry out an effective investigation into his allegations of ill-treatment inflicted on him by private individuals and complains about his placement in the transit centre at Otopeni airport (Romania), where he was allegedly unlawfully deprived of his liberty from 1 to 17 August 2001. He relies, in particular, on Articles 3 (prohibition of inhuman or degrading treatment) and 5 § 1 (right to liberty and security) of the Convention.

Neamțiu v. Romania (no. 67007/01)

The applicant, Doina Steluța Neamțiu, is a Romanian national who was born in 1934 and lives in Arad (Romania). Relying on Article 6 § 1 of the Convention (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property), she complains that it was impossible for her to secure the enforcement of decisions ordering the expulsion of tenants occupying buildings that belonged to her.

Dorokhov v. Russia (no. 66802/01)

The applicant, Gennadiy Valentinovich Dorokhov, is a Russian national who was born in 1967 and lives in Moscow. In October 1998 he was arrested and detained in remand prison on charges of, in particular, extortion of cars from the managers of a car repair shop and illegal possession of firearms. The case concerns the applicant's complaints about the inhuman conditions of his detention in the remand prison where was placed pending investigation and trial, and that he had no fair hearing of his case. He relies on Articles 3 (prohibition of inhuman or degrading treatment) and 6 (right to a fair trial).

Sidorova (Adukevich) v. Russia (no. 4537/04)

The applicant, Irina Georgiyevna Adukevich, is a Russian national who was born in 1967 and lives in Arkhangelsk (Russia). Convicted of reckless driving resulting in an injury, the applicant, a taxi driver, complained about the unfairness of the proceedings against her. She relies on Article 6 (right to a fair trial).

Hadri-Vionnet v. Switzerland (no. 55525/00)

The applicant, Dalila Hadri-Vionnet, is an Algerian national who was born in 1970 and lives in Lignon (Switzerland). While placed in a centre for asylum seekers, she gave birth to a stillborn baby. She complains under Article 8 (right to respect for private and family life) that the fact that she was unable to attend the funeral of her stillborn baby and that the baby's body was transported in an ordinary delivery van violated her right to respect for her private and family life.

Kobets v. Ukraine (no. 16437/04)

The applicant, Aleksey Viktorovich Kobets, is a Ukrainian national who was born in 1977 and lives in Kyiv. In July 2002 he was involved in a fight with several individuals and consequently arrested and taken into police custody. The case concerns the applicant's complaints that he was subjected to ill-treatment by a police officer and that there was no adequate or effective investigation of his complaints. He relies on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy).

Mitin v. Ukraine (no. 38724/02)

The applicant, Aleksandr Nikolayevich Mitin, is a Ukrainian national who was born in 1959 and lives in Sevastopol (Ukraine). In June 1999, Mr Mitin, a military officer, brought proceedings against his commanding officer claiming that he was sanctioned unfairly. The case concerns the applicant's complaint about the failure to enforce a final judgment in his favour. He relies, in particular, on Articles 6 § 1 (right to a fair hearing) and 1 of Protocol No. 1 (protection of property).

Repetitive cases

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

Dumitrescu v. Romania (no. 14019/05)

Fara v. Romania (no. 30142/03)

Hațiegan v. Romania (no. 25230/04)

The applicants rely on Article 1 of Protocol No. 1 (protection of property).

Ion-Cetină and Ion v. Romania (no. 73706/01)

The applicants rely on Article 6 § 1 of the Convention (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

Pshenichnyy v. Russia (no. 30422/03)

Zakomlistova v. Russia (no. 24277/03)

Vorotnikova v. Ukraine (no. 1225/02)

In these three cases the applicants rely on Articles 6 § 1 (right to a fair hearing) and 1 of Protocol No. 1 (protection of property).

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of (non-criminal) proceedings, in breach of Article 6 § 1 (right to a fair hearing within a reasonable time). They also rely on Article 13 (right to an effective remedy). The applicant in the case of ***Kambourov*** also relies on Article 1 of Protocol No. 1 (protection of property).

Kambourov v. Bulgaria (no. 55350/00)

Gitskaylo v. Ukraine (no. 17026/05)

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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.