



Forthcoming judgments

The European Court of Human Rights will be notifying in writing 23 judgments on Tuesday 15 February 2011 and 12 on Thursday 17 February 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 15 February 2011

[Palić v. Bosnia and Herzegovina \(no. 4704/04\)](#)

The applicant, Esma Palić, is a citizen of Bosnia and Herzegovina who was born in 1967 and lives in Sarajevo. The case concerns the abduction of her husband, Colonel Avdo Palić, by security forces in Bosnia and Herzegovina at the end of the 1992-95 war while he was negotiating the evacuation of civilians on United Nations premises. Relying on Articles 2 (right to life) and 5 (right to liberty and security) of the European Convention on Human Rights, Ms Palić complains that, despite an order by the Human Rights Chamber, not enough has been done to find out what exactly happened to her husband or to identify and punish those responsible for his disappearance. She also alleges that she has endured mental suffering on account of the obstruction of justice as well as the authorities' attitude in the case of her missing husband, in breach of Articles 3 (prohibition of inhuman or degrading treatment) and various other Articles of the Convention.

[Harju v. Finland \(no. 56716/09\)](#)

[Heino v. Finland \(no. 56720/09\)](#)

The applicants, Anu Orvokki Harju and Tuija Heino, are two Finnish nationals who were born in 1967 and 1955 respectively and live in Helsinki. Ms Harju, under suspicion of organising illegal immigration, and, Ms Heino, an attorney whose client's spouse was under police investigation, both complain that the related searches of their home/office in 2009 were unlawful since they were carried out without prior judicial warrant. They also allege that there was no possibility to then obtain effective judicial review of either the decision to order the searches or the manner in which it was conducted. They rely on Article 8 (right to respect for private and family life the home and correspondence), Article 6 § 1 (right of access to a court) and Article 13 (right to an effective remedy).

[Tsintsabadze v. Georgia \(no. 35403/06\)](#)

The applicant, Svetlana Tsintsabadze, is a Georgian national who was born in 1955 and lives in Batumi (Georgia). Her son, Zurab Tsintsabadze, born in 1975, and serving a sentence in Khoni Prison (Georgia), was discovered hanged in the prison's storeroom on 30 September 2005. Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), Ms Tsintsabadze alleges that her son, who had problems with Khoni prison's *makurebelis* (influential prisoners, either unlawfully favoured or tacitly tolerated by the prison administration), was killed and that his murder was made to look like a suicide. She also alleges that the authorities' investigation into her son's death was inadequate.

Rotaru v. Moldova (no. 51216/06)

The applicant, Veaceslav Rotaru, is a Moldovan national who was born in 1977 and lives in Taraclia (Moldova). Convicted of theft and robbery in March 2006, Mr Rotaru alleges that he was tortured into confessing those crimes when arrested in February 2003. He further complains about the ensuing conditions of his detention – overcrowding, damp cells and insufficient, poor food – which had resulted in his contracting tuberculosis. He relies on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy).

Geleri v. Romania (no. 33118/05)

The applicant, Zeyneddin Geleri, is a Turkish national who was born in 1973 and lives in Chişinău (Moldova). In 2005, while he was resident in Romania, he was made the subject of a ten-year exclusion order and was deported to Italy, on the basis of information to the effect that he had been engaged in activities posing a threat to national security. Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Geleri claims that he was ill-treated by police officers during his deportation and that the Romanian authorities did not carry out an effective investigation in that regard. Mr Geleri, who has been married since 2003 to a Romanian citizen, with whom he had a child in 2005, also complains that the measures imposed on him were in breach of Article 8 (right to respect for family life). He further alleges, among other things, a breach of Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens).

Rosca Anton Cătălin v. Romania (no. 24857/03)

The applicant, Anton Cătălin Roşca, is a Romanian national who was born in 1961 and lives in Iaşi (Romania). In 2002 he was arrested in the act of stealing a banknote from a bus passenger's pocket. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he alleges that he was ill-treated during police questioning in connection with the offence and complains of the absence of an effective investigation in that regard.

Çamyar and Berktaş v. Turkey (no. 41959/02)

The applicants, Elif Çamyar and Nevin Berktaş, are two Turkish nationals who were born in 1968 and 1958 respectively and live in Turkey. Ms Çamyar is the publisher and Ms Berktaş the author of a book, *Hücreler* ("cells"), which is generally critical of the penitentiary system in Turkey. Relying on Article 10 (freedom of expression), they complain about their conviction in November 2001 for making propaganda about an illegal armed organisation, TIKB (*Bolşevik*) through their book. They also allege that the proceedings against them were unfair as the Chief Public Prosecutor's opinion submitted to the Court of Cassation on their case was not communicated to them, in violation of Article 6 § 1 (right to a fair trial).

Eşref Çakmak v. Turkey (no. 3494/05)

The applicant, Eşref Çakmak, is a Turkish national who was born in 1981 and lives in Elazığ (Turkey). In 2003 he brought proceedings seeking a finding of State liability on account of the fact that he allegedly contracted chronic viral hepatitis B through poor hygiene conditions during his compulsory military service. Relying on Article 6 § 1 (right to a fair hearing), he alleges that the refusal to grant him legal aid during the proceedings deprived him of his right of access to a court.

Fetullah Akpolat v. Turkey (no. 22077/03)

The applicant, Fetullah Akpolat, is a Turkish national who was born in 1970 and, at the time of his application to the Court, was detained in Üsküdar Prison on charges of membership of the PKK (Kurdistan Workers' Party, an illegal organisation). Relying on Article 5 § 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time), he complains about the excessive length both of his pre-trial detention as well as of the criminal proceedings against him. He also complains under Article 8 (right to respect for private and family life and correspondence) about the prison authorities' seizure of his correspondence it considered PKK propaganda.

Moghaddas v. Turkey (no. 46134/08)

The applicant, Ali Moghaddas, is an Iranian national who was born in 1966 and lives in Switzerland. A former member of the People's Mojahedin Organisation of Iran, Mr Moghaddas was rescued and arrested in September 2008 by Turkish coastguards while attempting to escape from Turkey to Greece by boat. The case concerns his complaint about his ensuing deportation to Iraq despite the risk he ran there of inhuman and degrading treatment and *refoulement* to Iran, where he was likely to be tortured and executed. He also complains about the unlawfulness and deplorable conditions of his detention at Güzelçamlı gendarmerie station before his deportation. He relies on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 §§ 1, 2 and 4 (right to liberty and security). Having fled Iraq, he arrived in Switzerland in September 2009.

Repetitive cases

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

di Cecco v. Italy (no. 28169/06)

This case concerns, in particular, the complaint made by the applicant (sentenced to 25 years' imprisonment for involvement in the activities of the Red Brigade terrorist organisation) regarding the monitoring of his correspondence with the Court while he was in prison. He relies on Article 8 (right to respect for correspondence) and Article 13 (right to an effective remedy).

Revision

Dyller v. Poland (no. 39842/05)

In a judgment of 7 July 2009 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 Mr Dyller's pre-trial detention. The Government have requested revision of this judgment which they have been unable to execute because the applicant died before it could be adopted.

Ściebura v. Poland (no. 39412/08)

Rahman v. Turkey (no. 9572/05)

These cases concern the applicants' complaints about the excessive length of their pre-trial detention in connection with several counts of armed robbery committed in an organised criminal group (first case) and murder, attempted murder and robbery (second case). In both cases, the applicants rely on Article 5 § 3 (right to liberty and security). Mr Rahman also relies on Article 6 § 1 (right to a fair trial within a reasonable time).

Graça Pina v. Portugal (no. 59423/09)

This case concerns the delay in calculating and paying the expropriation compensation awarded to the applicant. She relies, in particular, on Article 1 of Protocol No. 1 (protection of property).

Mustafa Kemal Özdemir and Others v. Turkey (nos. 3724/06, 6598/06, 7369/06, 7370/06, 7371/06, 7479/06, 8204/06, 8996/06 and 8999/06)

Okul and Karaköse v. Turkey (no. 37300/05)

Zeki Şimşek v. Turkey (no. 2409/06),

These cases concern the applicants' complaint that the authorities deprived them of their property without paying compensation. They rely, in particular, on Article 1 of Protocol No. 1 (protection of property).

Türkkan v. Turkey (no. 8774/06)

In this case, the applicant complains that he was deprived of his property, designated as forest land, without compensation. He relies on Article 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 legal proceedings.

Criminal

Kalle Kangasluoma v. Finland (no. 5635/09)

This case concerns in particular the applicant's complaint concerning the excessive length of criminal proceedings brought against him for aggravated fraud and embezzlement.

Non-criminal

Bubláková v. Slovakia (no. 17763/07)

Akat and Kaynar v. Turkey (nos. 34740/04 and 2399/06)

Thursday 17 February 2011

[Golemanova v. Bulgaria \(no. 11369/04\)](#)

The applicant, Donka Golemanova, is a Bulgarian national who was born in 1958 and currently lives in Koynare (Bulgaria). Since childhood she has been known exclusively by the first name Maya. Relying on Article 8 (right to respect for private and family life), she complains of the refusal of the Bulgarian courts to allow her to officially change her first name to the one she normally uses.

[Ognyan Asenov v. Bulgaria \(no. 38157/04\)](#)

The applicant, Ognyan Asenov, is a Bulgarian national who was born in 1978 and lives in Sofia. Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial) and Article 13 (right to an effective remedy), he complains that he was ordered by the Bulgarian courts to reimburse the fees for his court-appointed counsel representing him in a criminal case against him for aggravated rape.

[Pfeifer v. Bulgaria \(no. 24733/04\)](#)

The applicant, Mariyan Pfeifer, is a Bulgarian national who was born in 1964 and currently lives in Offenburg (Germany). Relying on Article 2 of Protocol No. 4 (freedom of movement), Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy), he complains that he was prevented from leaving Bulgaria, even if only to visit his wife and daughter in Germany, for several years while criminal proceedings for robbery and murder committed in 1992 were pending against him in Bulgaria.

[Andrle v. the Czech Republic \(no. 6268/08\)](#)

The applicant, Augustin Andrle, is a Czech national who was born in 1946 and lives in Vysoké Mýto (Czech Republic). Relying on Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 (protection of property), he complains about the applicable pension scheme in the Czech Republic which establishes different pensionable ages for women and men who care for children. Notably, he complains that he was denied a pension at an age when a woman in his position would have been able to receive it.

[Wasmuth v. Germany \(no. 12884/03\)](#)

The applicant, Johannes Wasmuth, is a German national who was born in 1956 and lives in Munich (Germany). He complains of the compulsory reference on his wage-tax card to the fact that he does not belong to a religious society authorised to levy religious tax. In the applicant's view, this amounts to a breach of Article 8 (right to respect for private and family life) and Article 9 (freedom of thought, conscience and religion) and also of Article 14 (prohibition of discrimination) taken in conjunction with Articles 8 and 9.

[Petrovic v. Luxembourg \(no. 32956/08\)](#)

The applicant, Dusan Petrovic, is a Serbian national who was born in 1962 and is currently being held in Luxembourg Prison. In 1991 he was sentenced in his absence to 20 years' hard labour for burglary with violence and threats, false imprisonment and several counts of aggravated theft. After remaining at large for about 20 years he was arrested and imprisoned. In 2006 he appealed against his conviction. Relying on Article 6 § 1 (right of access to a court), he argues that the Court of Cassation displayed undue formalism in dismissing one of his grounds of appeal on points of law.

[Khakiyeva, Temirgeriyeva and Others v. Russia \(nos. 45081/06 and 7820/07\)](#)

The 14 applicants in this case belong to two families and all live/lived in the Chechen Republic (Russia). Their two male relatives, Lema Khakiyev, born in 1960, and Musa Temirgeriyev, born in 1952, were detained in 2002 in two separate incidents in the Oktyabrskiy District of Grozny, Chechnya, and subsequently disappeared. The applicants allege that their relatives were abducted in 2002 and were then detained and killed by State agents carrying out a special operation in their village. They further complain that the domestic authorities failed to carry out an effective investigation into their allegations which, added to the fact of their relatives' disappearance, caused them mental suffering. They rely in particular on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security) and 13 (right to an effective remedy).

[Kononenko v. Russia \(no. 33780/04\)](#)

The applicant, Yuriy Kononenko, is a Russian national who was born in 1970 and is currently serving a term of imprisonment for murder in a correctional colony in Altay Region (Russia). Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial), he complains that he did not have a fair trial, in particular because he could not examine at all the key prosecution witness during the criminal proceedings against him. Relying further on Article 34 (right of individual petition), he complains that the Russian authorities prevented him from maintaining correspondence with his legal representative and the Court.

[Atanasov v. "the former Yugoslav Republic of Macedonia" \(no. 22745/06\)](#)

The applicant, Sande Atanasov, is a Macedonian national who was born in 1959 and lives in Negotino ("the former Yugoslav Republic of Macedonia"). Relying on Article 6 § 1

(right to a fair trial), he complains in particular that he was not given the opportunity to be present and to effectively participate in a session held in 2005 before the Court of Appeal in criminal proceedings brought against him for forgery of a notice convening a meeting of shareholders of a company in which he was also a shareholder.

Repetitive case

The following case raises an issue which has already been submitted to the Court.

Just satisfaction

Ucci v. Italy (no. 213/04)

The applicant, Pellegrino Ucci, is an Italian national who was born in 1945 and lives in Benevento. In a judgment of 22 June 2006 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) on account of the *de facto* expropriation, without compensation, of land belonging to the applicant and that the question of the application of Article 41 (just satisfaction) was not ready for decision. This question will be decided in the judgment to be delivered by the Court on 17 February 2011.

Length-of-proceedings cases

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

Klimenko v. Ukraine (no. 15935/06) concerns proceedings brought by the applicant seeking reinstatement in her post as head of a bank; and

Revunets v. Ukraine (no. 5144/06) concerns proceedings for damages brought by the applicant against a private company.

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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.