



## Forthcoming judgments

The European Court of Human Rights will be notifying in writing 39 Chamber and Committee judgments on Tuesday 26 October 2010 and 22 on Thursday 28 October 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](http://www.echr.coe.int))*

Tuesday 26 October 2010

### [Marina v. Latvia \(application no. 46040/07\)](#)

The applicant, Nadežda Marina, is a Latvian national who was born in 1938 and lives in Riga. She is an old age pensioner who is considered a "low-income person" under national law. Relying in particular on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights, she complains that the excessive amount of a court fee and the controversial interpretation of the procedural provisions applied by the domestic courts prevented her from pursuing a claim for damages regarding the destruction of her outhouse, greenhouse and garden, which she used to gain extra income by selling the fruit and vegetables she grew there.

### [Cucolaş v. Romania \(no. 17044/03\)](#)

### [Coman v. Romania \(no. 34619/04\)](#)

### [Marcu v. Romania \(n° 43079/02\)](#)

The applicants, Remus Coman, Marius Stelian Cucolaş and Valentin Marcu, are three Romanian nationals who were born in 1975, 1973 and 1962 respectively. Mr Coman is currently in Focşani Prison in Mândreşti (Romania); Mr Cucolaş lives in Bucharest; and Mr Marcu lives in Quakenbrück (Germany). The cases are separate, but all three applicants rely firstly on Article 3 (prohibition of inhuman or degrading treatment) of the Convention regarding their complaint about the allegedly poor conditions in which they are or were detained, particularly about overcrowding and poor hygiene. Mr Coman alleges that he has been harassed by other inmates and by the prison staff on account of his Roma ethnic origin. Mr Marcu also relies on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy) in support of his complaint that his parental responsibility was withdrawn and that he had no effective remedy in Romania by which to lodge his complaints under Articles 3 and 8. Relying on Article 34 (right of individual petition), he also alleges that the Romanian State hindered the introduction of his complaint before the Court.

### [Raban v. Romania \(no. 25437/08\)](#)

The applicants are David Raban, an Israeli and Dutch national who was born in 1957 and lives in Yehud (Israel), and his children, Ela Raban and Ilan Matzliah Raban, who were born in 2003 and 2004 respectively. Ela and Ilan have been living since April 2006 in Romania with their mother who was granted a divorce from Mr Raban and full custody of the children in December 2008. The case concerns Mr Raban's complaint that the Romanian courts' refusal to return his children to their habitual residence in Israel was in breach of the Hague Convention on the Civil Aspects of International Child Abduction.

They rely on Article 6 (right to a fair hearing) and Article 8 (right to respect for private and family life).

#### [Rosselet-Christ v. Slovakia \(no. 25329/05\)](#)

The applicant, Dagmar Rosselet-Christ, is a Swiss national who was born in 1945 and lives in Peseux (Switzerland). Arrested in January 2003 on forgery and fraud charges, Ms Rosselet-Christ complains about the unlawfulness and excessive length of her pre-trial detention as well as the courts' refusal to hear her prior to its decisions to extend her detention. She was released in May 2006; the proceedings against her are still pending. She relies on Article 5 §§ 1, 3 and 4 (right to liberty and security).

#### [Cardona Serrat v. Spain \(no. 38715/06\)](#)

The applicant, José Cardona Serrat, is a Spanish national who was born in 1955 and lives in Valencia (Spain). Criminal proceedings were brought against him and resulted in his conviction for sexual abuse with the aggravating circumstance that he had committed the same offence before. Relying on Article 6 § 1 (right to a fair trial), he maintains that he was not given a fair hearing by an independent and impartial tribunal. He submits that the division of the *Audiencia Provincial* which examined the merits of the case and convicted him had earlier undertaken investigative measures which undermined its impartiality; in particular, it had ordered him to be placed in pre-trial detention, whereas up until then he had benefitted from provisional release.

#### [Adıyaman and Erman v. Turkey \(nos. 38372/06 and 24572/08\)](#)

The applicants, Gülpınar Adıyaman and Güllüzar Erman, are two Turkish nationals, born in 1974 and 1973 respectively who have been in detention pending trial in Kocaeli (Turkey) since their respective arrests in 1996 and 2003. The case concerns their complaint about the excessive length of their pre-trial detention and of the proceedings against them as well as the fact that they had no effective remedy to challenge the lawfulness of that detention. They rely on Article 5 §§ 3 and 4 (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).

#### [Mehmet Özcan and Others v. Turkey \(nos. 4018/07, 4019/07, 4172/07, 23562/07, 36595/07, 54508/07, 54520/07, 2539/08, 16353/08, 34350/08, 34379/08, 35269/08, 37798/08, 37818/08, 56422/08, 20437/09, 20440/09, 20453/09, 20460/09, 20568/09, 20604/09, 20608/09, 20613/09 and 20636/09\)](#)

The applicants are 24 Turkish nationals who were arrested and taken into police custody between 1995 and 2003 during operations launched against *Hizbullah*, an illegal armed organisation. Relying on Article 5 §§ 3 and 4 (right to liberty and security), they complain of the length of their detention during the proceedings brought against them and/or of having no effective means by which to dispute the lawfulness of their detention. Relying also on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), they also complain of the length of the criminal proceedings against them and of the lack of an effective remedy in Turkey by which to complain.

#### [Vardar v. Turkey \(no. 35150/06\)](#)

The applicant, Vahit Vardar, is a Turkish national who was born in 1958 and lives in Istanbul. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complains of the excessive length of several sets of criminal proceedings brought against him.

## Repetitive cases

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

**Bator v. Poland** (no. 6544/08)

**Kowalenko v. Poland** (no. 26144/05)

These cases concern the applicants' complaints about the excessive length of their pre-trial detention on suspicion of offences committed as members of an organised criminal gang. They rely on Article 5 § 3 (right to liberty and security). In the case of **Kowalenko** the applicant also complains of the excessive length of the criminal proceedings against him, in breach of Article 6 § 1 (right to a fair trial within a reasonable time).

**Kocurek v. Poland** (no. 20520/08)

In this case, the applicant complains that, in proceedings concerning his disability pension, the lawyer appointed under a legal-aid scheme refused to bring a cassation appeal. Furthermore, he was informed of that refusal only after expiry of the time-limit for lodging a cassation appeal. He relies on Article 6 § 1 (right of access to a court) and Article 13 (right to an effective remedy).

### Just satisfaction

**Andreou Papi v. Turkey** (no. 16094/90)

**Christodoulidou v. Turkey** (no. 16085/90)

**Diogenous and Tseriotis v. Turkey** (no. 16259/90)

**Epiphaniou and Others v. Turkey** (no. 19900/92)

**Hadjiprocopiou and Others v. Turkey** (no. 37395/97)

**Hadjithomas and Others v. Turkey** (no. 39970/98)

**Hapeshis and Hapeshi-Michaelidou v. Turkey** (no. 35214/97)

**Hapeshis and Others v. Turkey** (no. 38179/97)

**Iordanis Iordanou v. Turkey** (no. 43685/98)

**Josephides v. Turkey** (no. 21887/93)

**Loizou and Others v. Turkey** (no. 16682/90)

**Olymbiou v. Turkey** (no. 16091/90)

**Ramon v. Turkey** (no. 29092/95)

**Rock Ruby Hotels Ltd. v. Turkey** (no. 46159/99)

**Saveriades v. Turkey** (no. 16160/90)

**Skyropiia Yialias Ltd. v. Turkey** (no. 47884/99)

**Strati v. Turkey** (no. 16082/90)

**Vrahimi v. Turkey** (no. 16078/90)

**Zavou and Others v. Turkey** (no. 16654/90)

These cases concerned the applicants' complaints that the Turkish occupation of the northern part of Cyprus following the 1974 conflict deprived them of their home and properties. In judgments of 22 September 2009 and one of the 27 October 2009 the Court held in particular that there had been a continuing violation of Article 1 of Protocol No. 1 (protection of property) in all 19 cases and of Article 8 (right to respect for private and family life) in 11 of them. The question of the application of Article 41 (just satisfaction), reserved for a later date in those judgments, will be decided on 26 October 2010.

### Just satisfaction

**Erbey v. Turkey** (no. 29188/02)

In a judgment of 10 March 2009, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) concerning the applicant's complaint that the authorities had deprived him of his property without paying compensation, and that the question of the application of Article 41 (just satisfaction) was not ready for decision. This question will be decided in a judgment to be delivered on 26 October 2010.

## Revision

### **Nicola v. Turkey** (no. 18404/91)

In a judgment of 27 January 2009, the Court held that there had been a violation of Article 8 (right to respect for private and family life) and Article 1 of Protocol No. 1 (protection of property) concerning the applicant's right of access to his property in the northern part of Cyprus. On 26 April 2010, the Government informed the Court that they had learned that the applicant was not the owner of the property concerned by that judgment at the date of the introduction of the application, and therefore requested its revision.

### **Osman Erden v. Turkey** (no. 1520/06)

In this case the applicant complains of the excessive delay by the authorities to pay salaries and other financial benefits which had been awarded to him in a final judgment and the resulting financial loss due to high inflation rates. He relies on Article 6 § 1 (right to a fair hearing) and 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.

**Ciambriello and Others v. Italy** (nos. 23745/03, 23749/03, 23746/03 and 1280/04)

**Fornoni and Others v. Italy** (nos. 22471/03, 24825/03, 26444/03 and 34566/03)

**Komar v. Slovakia** (no. 25951/06)

**Vardar v. Turkey** (no. 35150/06)

**Yusuf Karataş v. Turkey** (no. 31953/05)

Thursday 28 October 2010

### [Von Pezold v. Austria](#) (no. 5339/07)

The applicant, Elizabeth von Pezold, is an Austrian national who was born in 1947 and lives in Prague. She is the owner of some 3,000 hectares of forest situated in Pöls and runs a forestry operation. Her case concerns her complaint about the excessive length of proceedings with regard to a dispute over social security contributions for more than 100 of her employees. She also alleges that those proceedings were unfair as she did not have the opportunity to present evidence in her favour or have her witnesses heard. 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).

### [Knebl v. Czech Republic](#) (no. 20157/05)

The applicant, Radan Knebl, is a Czech national who was born in 1965 and lives in Ostrava (Czech Republic). He was placed in pre-trial detention in 2003 on suspicion of having committed fraud and criminal proceedings were brought against him. Relying on Article 5 §§ 3 and 4 (right to liberty and security), he complains that his detention was extended on insufficient grounds despite his having made ten applications to be released, all of which were dismissed, and of flaws in the judicial review of his detention.

### [Suda v. Czech Republic](#) (no. 1643/06)

The applicant, Pavel Suda, is a Czech national who was born in 1968 and lives in Pardubice (Czech Republic). He was a minority shareholder in a public company that was closed by a decision of 2003. A request by the applicant for the redemption value of his

shares to be re-examined was dismissed by the ordinary court on the basis of an arbitration clause. Relying on Article 6 § 1 (right to a fair hearing), he complains about his inability – on account of an arbitration clause in a contract signed with third parties – to have his case examined by an ordinary court providing the necessary guarantees, of the non-public nature of any arbitration proceedings and of the procedural costs he has incurred.

#### [Bubullima v. Greece \(no. 41533/08\)](#)

The applicants, Endri Bubullima and his uncle Vasillaq Bubullima, are two Albanian nationals who were born in 1991 and 1968 respectively and live in Athens. Endri Bubullima lived with his uncle, who had parental rights over him. Endri Bubullima was arrested by the immigration police, who instituted deportation proceedings against him on the ground that he did not have a valid residence permit. He was temporarily placed in custody, and then, once the decision to deport him had been taken, kept in detention to prevent him from escaping. Relying on Article 5 § 4 (right to liberty and security), the applicants allege that the Greek courts failed to decide speedily on Endri Bubullima's application for release and that he had no remedy by which to challenge the lawfulness of his detention.

#### [Fawsie v. Greece \(no. 40080/07\)](#)

#### [Saidon v. Greece \(no. 40083/07\)](#)

The first applicant, Hamo Fawsie, who was born in 1954, is a Syrian national. The second applicant, Mona Saidoun, who was born in 1965, is a Lebanese national. They have both been officially recognised as political refugees and both are legal residents in Athens. Relying on Article 8 (right to respect for private and family life) in conjunction with Article 14 (prohibition of discrimination), they complain of the refusal by the authorities to grant them large-family benefit on the ground that neither they nor their children have Greek nationality or the nationality of one of the member States of the European Union, and neither are they refugees of Greek origin.

#### [Karapanagiotou and Others v. Greece \(no. 1571/08\)](#)

The applicants, Aspasia Karapanagiotou, Angelos Moiras and Nikolaos Moiras, are Greek nationals who were born in 1930, 1962 and 1967 respectively and live in Athens. They challenge the amount of compensation offered them for their land following expropriation for the construction of a motorway sliproad. Relying on Article 6 § 1 (right to a fair hearing) taken in conjunction with Article 14 (prohibition of discrimination), they complain that the Court of Appeal applied a special provision in favour of the State in breach, they argue, of the equality-of-arms principle. They also complain, under Article 6 § 1, that the evidence submitted by them regarding the value of their land was not taken in account.

#### [Vlastos and Others v. Greece \(no. 36218/08\)](#)

The applicants, Emmanouil Vlastos, Andromeda Sgouromiti, Ioannis Drivas and Georgios Apostolou, are Greek nationals who were born in 1975, 1952, 1970 and 1976 respectively and live in Athens. They are council employees whose job is household-refuse collection. Their contracts were terminated without written notice and without compensation. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), they complain of the refusal by the authorities to comply with court decisions awarding them sums of money, in particular unpaid salaries.

#### [Aune v. Norway \(no. 52502/07\)](#)

The applicant, Lise Aune, is a Norwegian national who was born in 1976 and lives in Stjørdal (Norway). Her son A., born in February 1998 was taken into compulsory foster

care in August 1998 because the authorities suspected that he was ill-treated and because of Ms Aune's drug abuse problems. Relying on Article 8 (right to respect for private and family life), she complains in particular about a decision by the Norwegian Supreme Court of 2007, which deprived her of her parental responsibilities in respect of her son and authorised his adoption by his foster parents.

#### [Boris Popov v. Russia \(no. 23284/04\)](#)

The applicant, Boris Popov, is a Russian national who was born in 1975 and is currently serving a sentence of imprisonment in the Tomsk Region (Russia). Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Article 5 §§ 1 and 5 (right to liberty and security), he complains about being detained unlawfully between 6 and 8 November 2001 on suspicion of theft for which he was not subsequently prosecuted, about him not being able to obtain compensation for his unlawful deprivation of liberty, and about being handcuffed for 28 hours during that period. Relying further on Article 8 (right to respect for private and family life and correspondence), he also complains about his correspondence being monitored by the prison authorities during his imprisonment for criminal offences not related to his detention in November 2001.

#### [Krestovskiy v. Russia \(no. 14040/03\)](#)

The applicant, Vadim Krestovskiy, is a Russian national who was born in 1963 and is currently serving a prison sentence in Yagul (Udmurtiya Republic), Russia. Convicted of murder, he complains in particular that the criminal proceedings against him were unfair, as he did not have a public hearing, in breach of Article 6 § 1 (right to a fair trial).

#### [Rudakov v. Russia \(no. 43239/04\)](#)

The applicant, Vasiliy Rudakov, is a Russian national who was born in 1972 and is currently serving a life sentence in a detention facility in Russia known as Vladimirskiy Tsentral. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), he alleges that he was subjected to severe beatings by prison warders and that the authorities failed to carry out an effective investigation into his allegation.

#### [Sasita Israilova and Others v. Russia \(no. 35079/04\)](#)

The seven applicants in this case belong to the same family and are the parents, brother wives and children of Ilyas and Isa Yansuyev, born respectively in 1978 and 1980. They all live in the Chechen Republic (Russia). The applicants allege that Ilyas and Isa were abducted and killed by Russian servicemen during an unacknowledged security operation in February 2003 in Grozny (the Chechen Republic). They further complain that the domestic authorities failed to carry out an effective investigation into their allegations. 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) and Article 38 § 1 (a) (obligation to furnish necessary facilities for the examination of the case).

#### [Schaller-Bossert v. Switzerland \(no. 41718/05\)](#)

The applicant, Bernadette Schaller-Bossert, was born in 1956 and lives in Altbüron (Canton of Lucerne). The applicant had been working as a teacher since 1976. In 2004 the school commission issued a decision exempting her from work and then, in March, terminated her employment contract. Relying on Article 6 § 1 (right to a fair hearing), the applicant complains that, in the civil proceedings instituted by her to challenge those decisions, she was unable to reply to the observations submitted by the opposing party before the Government of the Canton of Lucerne and the Federal Court.



### Vasilkoski and Others v. "the former Yugoslav Republic of Macedonia" (no. 28169/08)

The applicants are 38 Macedonian nationals who were born between 1947 and 1985 and live in "the former Yugoslav Republic of Macedonia". Working as toll collectors, controllers and senior staff in a public roads enterprise, they were detained in Skopje in November 2007 on suspicion of abuse of office, namely that they had acted as an organised group and misappropriated toll charges collected during the previous months. Relying on Articles 5 (right to liberty and security) and 13 (right to an effective remedy) they complain that the legal grounds for their pre-trial detention, which was extended on a number of occasions, were insufficient and not concrete, and that the review procedure of their detention was ineffective.

### Leonid Lazarenko v. Ukraine (no. 22313/04)

The applicant, Leonid Lazarenko, is a Ukrainian national who was born in 1968 and is currently serving a life sentence in Yenakiyev Prison (Ukraine) for murder, robbery and carjacking committed in December 2001. Relying in particular on Article 6 §§ 1 and 3 (c) (right to a fair trial), Mr Lazarenko complains that he was convicted of murder on the basis of self-incriminating statements obtained under duress and in the absence of a lawyer.

### Molodorych v. Ukraine (no. 2161/02)

The applicant, Oleksiy Molodorych, is a Ukrainian national who was born in 1982 and is currently serving a ten-year prison sentence at Cherkasy Correctional Colony in Ukraine for attempted murder and robbery. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complains of his detention conditions – which in particular put him at constant risk of contracting tuberculosis – lack of food and inadequate medical treatment, heating and light. Under Article 5 §§ 3 and 4 (right to liberty and security), he further complains that the length of his pre-trial detention, lasting two years and ten months, was unreasonable and that its lawfulness was not reviewed by the courts. Lastly, he complains under Article 6 §§ 1 and 3 (c) (right to a fair trial) that his right to defence was violated in the course of the criminal proceedings against him, as the State-appointed lawyer was only appointed a few days before the investigations were completed.

### Trofimchuk v. Ukraine (no. 4241/03)

The applicant, Yekaterina Trofimchuk, is a Ukrainian national who was born in 1944 and lives in Rivne (Ukraine). She worked as a boiler engine operator in a municipal central heating enterprise until her dismissal for systematic breach of her employment duties on 10 March 1999, which was one week after she had participated in a picket to express concerns over past unpaid wages and the management of the company she worked for. Relying on Article 11 (freedom of assembly and association), Ms Trofimchuk alleges that she was dismissed because of her participation in that picket and her involvement in the trade union which organised it. Further relying on Article 6 § 1 (right to a fair hearing), she complains about the unfairness of the court proceedings in which she challenged her dismissal.

## 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) of the excessive length of (non-criminal) proceedings. In the case of **Bachmayer**, the applicants also rely on Article 1 of Protocol No. 1 (protection of property) and further complain that the proceedings were unfair.

**Bachmayer v. Austria** (no. 36650/05)  
**Denisov v. Ukraine** (no. 7822/06)  
**Litvinova v. Ukraine** (no. 36223/06)  
**Nekhanchenko v. Ukraine** (no. 18255/05)

---

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**

[echrpress@echr.coe.int](mailto:echrpress@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.