



Judgments concerning Austria, Bosnia and Herzegovina, Italy, Romania, Russia and Serbia

The European Court of Human Rights has today notified in writing the following 12 judgments, none of which are final.

Repetitive cases¹, with the Court's main finding indicated, can be found at the end of the press release. The judgments available in French are indicated with an asterisk (*).

Krone Verlag GMBH v. Austria (application no. 27306/07)

The applicant, Krone Verlag GmbH & Co. KG, is a limited liability company based in Vienna which is the owner of the daily newspapers Kronen Zeitung. The case concerned proceedings brought by a mother and child against the applicant company for its reporting from January to February 2004 on the custody dispute between the child's mother and father. Notably, on 26 January 2004 there was wide media coverage – particularly by Kronen Zeitung – of the authorities trying to seize the child from his father with whom he had gone into hiding. Relying on Article 10 (freedom of expression), the applicant company complained in particular about the ensuing judgment against it in which it had been ordered to pay compensation for the intrusion into the child's private life, notably for revealing his identity, giving details of his family life and publishing photographs at a time when he was in a state of pain and despair.

No violation of Article 10

Cristian Teodorescu v. Romania (no. 22883/05)*

The applicant, Cristian Teodorescu, is a Romanian national who was born in 1948 and lives in Braila (Romania). He is a physics teacher in an upper secondary school and president of the local branch of the World Union of Free Romanians (WUFR). Claiming to be the target of acts of sabotage and surveillance, he filed several criminal complaints. Mr Teodorescu claims that his father was subject to surveillance by the secret services under the former communist regime. In December 2004 a police officer came looking for the applicant at his home, where he was questioned about one of the criminal complaints he had filed. Although his behaviour was not violent and he had no history of psychiatric problems, the applicant was compulsorily admitted to a psychiatric hospital. His complaints about this forced hospitalisation resulted in findings that there was no case to answer. The applicant alleged in particular that he had been subjected to detention contrary to Article 5 § 1 (e)) (right to liberty and security) in a psychiatric hospital from 8 to 9 December 2004.

Violation of Article 5 § 1 e)

Just satisfaction: EUR 4,500 (non-pecuniary damage). The applicant did not claim costs and expenses.

¹ In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

Florea v. Romania (no. 21534/05)*

The applicant, Constantin Florea, was born in 1950 and lives in Damienestî. He was the sole associate in a commercial company that owned a slaughterhouse. The case concerned criminal proceedings brought against him for fraud, forgery and presenting forged documents in connection with obtaining grants from the County Directorate of Agriculture. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), Mr Florea complained about the length of those proceedings and, under Article 6 § 2 (presumption of innocence), about the fact that the courts had issued a ruling finding him guilty and imposed a financial penalty although the relevant statute of limitations had expired.

Violation of Article 6 § 1

No violation of Article 6 § 2

Just satisfaction: EUR 1,200 (non-pecuniary damage). The Court dismissed the claim pertaining costs and expenses.

Mihai Moldoveanu v. Romania (no. 4238/03)*

The applicant, Mihai Moldoveanu, is a Romanian national who was born in 1967 and is currently held in Satu Mare Prison (Romania). He was sentenced to twenty-five years' imprisonment for the murder of a taxi driver in 1995. Relying in particular on Article 6 § 1 (right to a fair trial), Mr Moldoveanu complained that the Supreme Court of Justice had convicted him of the murder, after he had been acquitted on appeal, without re-examining him in person and in the absence of any new investigative measure. He also submitted that the Supreme Court of Justice had not given reasons for its decision. Under Article 6 § 3 (c) (right to legal assistance), he complained that he had not enjoyed an effective defence during the proceedings.

Violation of Article 6 § 1 (in respect of the applicant's conviction by the Supreme Court of Justice without being heard in person and without any evidence being taken directly)

Violation of Article 6 § 3 c) (in respect of the applicant's representation during the proceedings in the appeal on points of law)

Just satisfaction: EUR 5,000 (non-pecuniary damage). The applicant did not claim costs and expenses.

Tănăsoaica v. Romania (no. 3490/03)*

The applicant, Petre Tănăsoaica, is a Romanian national who was born in 1955 and lives in Călimanesti (Romania). A journalist and director of the newspaper "Viata Vâlci", on 15 November 2001 he published an article headlined "S.C. A. is poisoning us with ammonium". This article followed the handing over to the newspaper, by the Olt Water Directorate, an institution that is subordinate to the national water company, of a document on water quality in Olt County for the month of October. The document claimed that 11 commercial companies were sources of water pollution, including the company S.C. "A" S.A., with a rate of ammonium pollution that was eight times over the acceptable threshold. Relying on Article 10 (freedom of expression and information), Mr Tănăsoaica complained about his conviction by the Romanian courts following the criminal complaint filed by the company's director for insult and defamation.

Violation of Article 10

Just satisfaction: EUR 7,500 (non-pecuniary damage). The applicant did not claim costs and expenses.

Kislitsa v. Russia (no. 29985/05)

The applicant, Viktor Kislitsa, is a Russian national who was born in 1946 and lives in Bolshoy Kamen, a town in the Primorye Region (Russia). Arrested in February 2005 on suspicion of fraud, Mr Kislitsa complained about the absence of relevant and sufficient grounds for his ensuing continued detention on remand. He relied on Article 5 § 3 (right to liberty and security). He was convicted as charged and released on probation in February 2006.

Violation of Article 5 § 3

Just satisfaction: EUR 1,000 (non-pecuniary damage). The applicant did not claim costs and expenses.

Hajnal v. Serbia (no. 36937/06)

The applicant, Tihomir Hajnal, is a Serbian national who was born in 1985 and lives in Subotica (Serbia). Mr Hajnal alleged that he had been beaten by the police on 17 and 18 August 2005 when taken in for questioning about some burglaries. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complained of police brutality as well as of the authorities' ensuing failure to carry out any investigation into his allegations. Further relying in particular on Article 6 § 1 (right to a fair trial), he also alleged that the criminal proceedings against him had been unfair as his conviction was based on the confession he had made under duress on 18 August 2005. Mr Hajnal was released in February 2007 after having served his one-and-half-year prison sentence.

Violation of Article 3 (substantive and procedural aspect)

Violation of Article 6 § 1

Violation of Article 6 § 2 (as regards the Municipal Court's judgment of 13 April 2006)

Just satisfaction: EUR 12,000 (non-pecuniary damage) and EUR 9,000 (costs and expenses).

Repetitive cases

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

The applicants in the following two cases complained about the non-enforcement of judgments in their favour. They relied on Article 6 (right to fair trial) and Article 1 of Protocol No. 1 (protection of property).

Đukić v. Bosnia and Herzegovina (no. 4543/09)

Murtić and Čerimović v. Bosnia and Herzegovina (no. 6495/09)

Violation of Article 6 – in both cases

Violation of Article 1 of Protocol No. 1 – in both cases

Iuliano and Others v. Italy (no. 13396/03)*

Just satisfaction

The applicants, Colomba Maria, Concetta Iuliano, Alberico Iuliano, Carmela Iuliano and Elio Iuliano, are Italian nationals. They complained about constructive expropriation. In a judgment of 14 December 2006, the Court held that the disputed interference was not compatible with the principle of lawfulness and that it had therefore violated their right to the peaceful enjoyment of their possessions. In today's judgments concerning the question of just satisfaction (article 41), the Court said that Italy was to pay EUR 91,000

(pecuniary damage) jointly to the inheritor of the first applicant and to the second applicant, 10 000 EUR (non-pecuniary damage) and EUR 20,000 (costs and expenses).

Messeni Nemagna and Others v. Italy (no. 9512/04)*

Just satisfaction

The applicants, Maria Messeni Nemagna, Teresa Messeni Nemagna, Chiara Messeni Nemagna and Mariarosalba Messeni Nemagna, are Italian nationals. They complained of constructive expropriation. In a judgment of 5 October 2006, the Court held that the disputed interference was not compatible with the principle of lawfulness and that it had therefore violated their right to the peaceful enjoyment of their possessions. In today's judgments concerning the question of just satisfaction (article 41), the Court said that Italy was to pay EUR 343,000 (pecuniary damage) to the applicants jointly, EUR 10,000 EUR (non-pecuniary damage) and EUR 15,000 EUR (costs and expenses).

Prenna and Others v. Italy (no. 69907/01)*

Just satisfaction

The applicants, Stefano Prenna, Massimo Prenna, Fernanda Angeletti and Giuseppina Giorgi, are Italian nationals. They complained about constructive expropriation. In a judgment of 9 February 2006 ("judgment on the merits"), the Court held that the loss of any control over the land in question, taken with the impossibility of remedying the situation complained of, had entailed sufficiently serious consequences for the applicants de facto to have been expropriated in a manner incompatible with their right to the peaceful enjoyment of their possessions. In today's judgments concerning the question of just satisfaction (article 41), the Court said that Italy was to pay EUR 454 000 (pecuniary damage) to the applicants jointly, EUR 10,000 (non-pecuniary damage) and EUR 15,000 (costs and expenses).

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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.