



Judgments¹ concerning Albania, Italy, Poland, Romania, Slovenia, Spain, Sweden, Turkey and the United Kingdom

The European Court of Human Rights has today notified in writing the following 27 judgments.

Repetitive cases² and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release. The judgments available only in French are indicated with an asterisk (*).

Just satisfaction

Gjyli v. Albania (application no. 32907/07)

The applicant, Ali Gjyli, is an Albanian national who was born in 1945 and lives in Durrës (Albania). He complained about the non-enforcement of two court judgments ordering his reinstatement in his post as director of a vocational training centre and the payment of salary arrears. In its judgment of 29 September 2009, the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, and that the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision. In its judgment today, the Court awarded the applicant 7,200 euros (EUR) in respect of pecuniary damage.

Mishgjoni v. Albania (no. 18381/05)

The applicant, Mirela Mishgjoni, is an Albanian national who was born in 1972 and lives in Vlore (Albania). The case concerned Ms Mishgjoni's complaint about the excessive length of proceedings with regard to her dismissal in 2002 from her post as a district court judge. She also complained that the related proceedings concerning payment of salary arrears had been excessively long as well as unfair. She relied on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy).

Violation of Article 6 § 1 (length)

Violation of Article 13 in conjunction with Article 6 § 1 (length)

1 Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

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

Just satisfaction: EUR 2,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Just satisfaction

Vrioni and Others v. Albania and Italy (nos. 35720/04 and 42832/06)

The applicants are two Albanian nationals, Shahin Vrioni and Oliver Vrioni, born in 1925 and 1946 respectively, and two Italian nationals, Gherardo La Francesca and Dario La Francesca, born in 1950 and 1974 respectively. The case concerned judicial proceedings for recovery of property (a plot of land in Tirana) and compensation. During those proceedings, it was decided to restore to the applicants a plot of land situated within the grounds occupied by the Italian Embassy in Tirana. In a judgment of 29 September 2009, the Court held that there had been a violation of Article 6 § 1 (right to a fair hearing), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property) to the Convention, on account of the Albanian authorities' failure to enforce the final court decision of June 2004 entitling the applicants to compensation *in lieu* of the restitution of the land around the Italian Embassy. It further held that the question of the application of Article 41 (just satisfaction) was not ready for decision. In its judgment today, the Court awarded the applicants EUR 1,900,000, jointly, in respect of pecuniary and non-pecuniary damage.

Piotr Nowak v. Poland (no. 7337/05)

The applicant, Piotr Nowak, is a Polish national who was born in 1979 and lives in Przemyśl (Poland). Accused of assault in 1998 and subsequently arrested in January 2005 by the Polish border police, Mr Nowak complained about the unlawfulness of his detention until February 2005 when he was released on bail and alleged that he had not been brought promptly before a judge. He relied in particular on Article 5 § 3 (right to liberty and security). He was ultimately acquitted in March 2008.

Violation of Article 5 § 3

Just satisfaction: EUR 2,000 (non-pecuniary damage)

Tarnawczyk v. Poland (no. 27480/02)

The applicant, Maria Tarnawczyk, is a Polish national who was born in 1930 and lives in Sanok (Poland). The case concerned Ms Tarnawczyk's complaint that her house and its surrounding land in Sanok was designated in 1977 for future expropriation – without a specific time-frame – in order to construct a ring road and a viaduct. Neither the ring road nor the viaduct has ever been built. She also complained that, despite her repeated requests, the domestic courts failed to award her compensation. She relied on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 5,870 (pecuniary damage) and EUR 1,000 (non-pecuniary damage)

Marian Niță v. Romania (no. 28162/05)*

The applicant, Marian Niță, is a Romanian national who was born in 1963 and lives in Bucharest. He was an ambulance driver at the material time. In 1997 he and a nurse were accused of abandoning a patient in pyjamas in the street on a cold and wet night, resulting in the man's death. In 2003 the applicant obtained a full acquittal in a final decision. However, the case was reopened following an extraordinary appeal by the

Romanian Procurator-General, and Mr Niță was eventually convicted of failure to assist a person in danger. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), he complained of the reopening of the proceedings against him and of the overall length of the proceedings.

Violation of Article 6 § 1 (fairness)

No violation Article 6 § 1 (length)

Just satisfaction: EUR 4,000 (non-pecuniary damage) and EUR 1,150 (costs and expenses)

Porumb v. Romania (no. 19832/04)*

The applicant, Ioan Porumb, is a Romanian national who was born in 1948 and lives in Rădești (Romania). He served a prison sentence for murder in various institutions until his release in 2005. Relying on Article 3 (prohibition of inhuman or degrading treatment), he alleged that he had been held in overcrowded cells in deplorable conditions, that he had not been provided with appropriate medical care (for, among other illnesses, tuberculosis and chronic hepatitis) and that he had continually been subjected to body searches in Gherla Prison.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Just satisfaction: EUR 9,000 (non-pecuniary damage)

Trdan and Č. v. Slovenia (no. 28708/06)*

The applicants are two Slovenian nationals, Andrej Trdan, who was born in 1969 and lives in Ribnica (Slovenia), and his son, Č, who was born in 2005 and lives in Ljubljana. Mr Trdan separated from Č's mother shortly before he was born. Both applicants complained about the Slovenian authorities' failure to enforce contact arrangements and about delays in the court proceedings concerning child custody and provisional visits. They relied in particular on Article 8 (right to respect for private and family life and home).

No violation of Article 8

Eusko Abertzale Ekintza – Acción Nacionalista Vasca (EAE-ANV) v. Spain (nos. 51762/07 and 51882/07)*

The applicant, Eusko Abertzale Ekintza – Acción Nacionalista Vasca (EAE-ANV), is a Basque political party created in 1930. Its core ideology consists in asserting the particular identity of the Basque country and its right to freely determine its own future. In 1978 it supported the Herri Batasuna coalition in spite of political differences between the two groups. In 2003 Batasuna and Herri Batasuna (among others) were declared illegal. Subsequently, the candidatures of certain members of the applicant party in the May 2007 elections (municipal elections and elections to the provincial councils and the Navarra parliament) were revoked. The applicant party alleged a violation of Article 10 (freedom of expression) and Article 11 (freedom of assembly and association). It also relied on Article 3 of Protocol No. 1 (right to free elections). Lastly, under Article 13 (right to an effective remedy) it maintained that it had had no effective remedy by which to complain of the alleged violations.

(Both applications) No violation of Article 3 of Protocol No. 1

(2nd application) No violation of Articles 10 and 11

(Both applications) No violation of Article 13

Andersson v. Sweden (no. 17202/04)

The applicant, Freddie Andersson, is a Swedish national who was born in 1930 and lives in Ingarö (Sweden). A former slaughterhouse worker and suffering from back and hip

joint problems, Mr Andersson complained about the failure to hold an oral hearing in proceedings he brought concerning his claim for occupational injury compensation. He relied on Article 6 § 1 (right to a fair hearing).

Violation of Article 6 § 1 (fairness)

Just satisfaction: EUR 3,000 (non-pecuniary damage) and EUR 2,500 (costs and expenses)

Alp and Others v. Turkey (nos. 34396/05, 8753/06, 37432/06, 37435/06, 2873/07, 24664/07 and 44938/08)

Orman and Others v. Turkey (nos. 9462/05, 20369/05, 32652/05, 33193/05, 43845/05, 5295/06 and 48090/08)

Ulu and Others v. Turkey (nos. 29545/06, 15306/07, 30671/07, 31267/07, 21014/08 and 62007/08)

Yer and Güngör v. Turkey (nos. 21521/06 and 48581/07)

The applicants are 28 Turkish nationals who were arrested between 1994 and 2003 and detained pending judicial proceedings against them. Except for three of the applicants who are still detained pending trial, they have all subsequently either been released or convicted. All four cases essentially concerned the excessive length of the applicants' pre-trial detention as well as of the criminal proceedings against them. They relied in particular on Article 5 §§ 3, 4 and 5 (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).

(26 applicants) Violation of Article 5 § 3

(12 applicants) Violation of Article 5 § 4

(3 applicants) Violation of Article 5 § 5

(23 applicants) Violation of Article 6 § 1 (length)

(12 applicants) Violation of Article 13

Just satisfaction: sums ranging from EUR 5,000 to EUR 19,200 (non-pecuniary damage) and sums ranging from EUR 500 to EUR 1,500 (costs and expenses)

Ergen and Others v. Turkey (nos. 35364/05, 41169/05, 41498/05, 53346/08 and 54158/08)*

The applicants are 16 Turkish nationals who live in Turkey. Relying on Article 1 of Protocol No. 1 (protection of property), they complained that the administrative authorities had occupied their land for many years without a formally valid expropriation order. The applicants further alleged that the domestic courts' decision to apply the statutory rate of default interest to the debt in their favour instead of the maximum rate applicable to public debts, as defined in Article 46 of the Constitution, had led to a reduction in the amount of compensation due to them.

Violation of Article 1 of Protocol No. 1

Just satisfaction: 1st case, EUR 2,500; 2nd, 3rd and 5th cases, 2,300 EUR; 4th case, EUR 5,000 (non-pecuniary damage)

Seal v. United Kingdom (no. 50330/07)

The applicant, Robert Edward Seal, is a British national who was born in 1944 and lives in Merthyr Tydfil (United Kingdom). On 9 December 1997 Mr Seal was arrested at his

mother's house for breach of the peace and, under the 1983 Mental Health Act, was subsequently removed to St Tydfil's hospital where he was detained and eventually released nine days later. Relying in particular on Article 6 § 1 (right to a fair trial), he complained about a subsequent decision to strike out his civil claim against the police for assault and false imprisonment on the ground that he had failed to obtain leave to file such a claim, a procedural requirement under the 1983 Act.

No violation of Article 6 § 1

Repetitive cases

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

Hüseyin Ak and Others v. Turkey (nos. 15523/04 and 15891/04)*

In this case the applicants complained that they were deprived of their property without compensation. They relied in particular on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Köse v. Turkey (no. 37616/02)

In this case the applicants complained of the damage sustained when the compensation they were awarded for expropriation lost value because the statutory default interest rate was inadequate, and of the delay by the authorities in paying additional compensation. They relied on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Length-of-proceedings cases

Berretta and Ciarcia v. Italy (nos. 37904/03 and 11332/04)*

Bonalzoo S.R.L. v. Italy (nos. 19876/03, 32239/03 and 32240/03)*

De Rosa and Others v. Italy (nos. 3666/03, 11966/03 and 11969/03)*

Ge.Pa.F and Others v. Italy (nos. 30403/03, 32231/03, 32232/03 and 32259/03)*

G.M.P. Impianti v. Italy (no. 19268/04)*

Głowacka and Królicka v. Poland (no. 1730/08)

Iwankiewicz v. Poland (no. 6433/09)

Klik v. Poland (no. 39836/09)

Kapusız v. Turkey (no. 4753/07)*

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

Violation of Article 6 § 1 – all cases

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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.