



Judgments¹ concerning Bulgaria, Croatia, Greece, Malta, Moldova, Poland, Romania, Russia, Serbia, Slovakia and Turkey

The European Court of Human Rights has today notified in writing the following 26 judgments.

One repetitive case² 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 (*).

Idakiev v. Bulgaria (application no. 33681/05)

The applicant, Ivan Idakiev, is a Bulgarian national who was born in 1952 and lives in Pernik (Bulgaria). The case concerned his complaint about restitution proceedings for agricultural land formerly owned by his father and grandfather in the village of Kasilag. He alleged in particular that the domestic courts had allowed an appeal against a decision of July 2004 in which the land had been restored to him without examining or replying to his claim that that appeal had been time-barred. He relied in particular on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights.

Violation of Article 6 § 1 (fairness)

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

Bernobic v. Croatia (no. 57180/09)

The applicant, Vedran Bernobić, is a Croatian national who was born in 1984 and lives in Konjščina. He was detained in October 2008 on suspicion of trafficking in illegal drugs. Relying on Article 5 §§ 1, 3 and 4 (right to liberty and security) of the Convention, Mr Bernobić complained that he had been detained unlawfully, for too long and neither he nor his lawyer had been heard by a judge when his detention had been ordered and extended.

No violation of Article 5 §§ 1 and 3

Violation of Article 5 § 4

Just satisfaction: EUR 600 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

1 Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's 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.

Bulfracht LTD v. Croatia (no. 53261/08)

The applicant, Bulfracht LTD, is a company incorporated under Bulgarian law on 7 October 2008. Relying on Article 6 § 1 (right of access to court), the company complained about the refusal of the Croatian Supreme Court to examine the merits of its appeal on points of law, as well as about the outcome of civil proceedings which it had brought seeking the payment of over 500,000 US dollars in freight for the shipping of goods by sea in 1990.

Violation of Article 6 § 1 (fairness)

Just satisfaction: no claim made by the applicant company, EUR 2,022 (costs and expenses)

Orlić v. Croatia (no. 48833/07)

The applicant, Petar Orlić, is a Croatian national who was born in 1950 and lives in Punat on the island of Krk (Croatia). A retired military serviceman, Mr Orlić complained about his eviction in October 2004 from a flat which had been allocated to him by the former Yugoslav People's Army (the YPA). The decision had been taken after Croatia had issued a global ban in July 1991 on transactions concerning YPA property in the country. He relied in particular on Article 8 (right to respect for private, family life and the home).

Violation of Article 8

Just satisfaction:

- pecuniary damage: the most appropriate form of redress would be to reopen the proceedings complained of
- non-pecuniary damage: EUR 2,000
- costs and expenses: EUR 2,060

Efraimidi v. Greece (no. 33225/08)*

The applicant, Tia Efraimidi, is a Georgian national who was born in 1974. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 5 §§ 1 and 4 (right to liberty and security), she complained of her conditions of detention on the premises of the Thermi border police and of the fact that she had been placed in detention with a view to her deportation although she had applied for asylum.

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

Violation of Article 5 §§ 1 and 4

Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Bellizzi v. Malta (no. 46575/09)

The applicants are, Joseph Bellizzi, and his children, Jonathan and Tiziana Bellizzi, who are Maltese nationals, born in 1960, 1988 and 1991 respectively. They live in Kirkop (Malta). The case concerned a dispute over the berth where Joseph Bellizzi, a full-time boatman, moored his boat for over 20 years. The applicants notably alleged that the related constitutional proceedings had not been impartial. They relied in particular on Article 6 (right to a fair hearing).

No violation of Article 6

Ipate v. Moldova (no. 23750/07)

The applicant, Nichita Ipate, is a Moldovan national who was born in 1971 and lives in Chişinău (Moldova). Relying mainly on Article 3 (prohibition of inhuman or degrading

treatment), Mr Ipate complained that the prison staff of a pre-trial detention centre in which he had been detained had beaten him severely in May 2003 as he had refused to move to a different cell, and that his complaint about it had not been effectively investigated.

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

Violation of Article 3 (lack of effective investigation)

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 100 (costs and expenses)

Kania and Kittel v. Poland (no. 35105/04)

The applicants, Dorota Kania and Bertold Kittel, are Polish nationals who live in Warsaw and Rabka (Poland), respectively. A daily newspaper, *Super Express*, published a number of articles written by the applicants in August 1997. The articles suggested that a Government minister, at the time the Head of the National Security Office, had received an expensive car as a present from a wealthy businessman. Relying on Article 10 (freedom of expression), the applicants complained about the ensuing proceedings brought against them by the minister following which they had been ordered to publish an apology and pay compensation, jointly with the newspaper's publisher and editor-in-chief.

No violation of Article 10

Giuran v. Romania (no. 24360/04)

The applicant, Mihai-Ion Giuran, is a Romanian national who was born in 1930 and lives in Slatina (Romania). Relying on Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property), Mr Giuran complained about the quashing, by way of extraordinary appeal, of a final judgment in his favour ordering the payment of damages to him in connection with a theft from his home.

No violation of Article 6

No violation of Article 1 of Protocol No. 1

Goh v. Romania (no. 9643/03)

The applicant, Yong Seng Goh, is a Singaporean national who was born in 1958 and is currently in Ploiesti Prison, serving a prison sentence for robbery and blackmail. Relying in particular on Article 3 (prohibition of inhuman and degrading treatment) and Article 6 §§ 1 and 3 (right to a fair trial), Mr Goh complained about the conditions in which he had been detained in prison.

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

Just satisfaction: EUR 16,000 (non-pecuniary damage)

Sbârnea v. Romania (no. 2040/06)

The applicant, Gheorghe Sbârnea, is a Romanian national who was born in 1953 and lives in Bucharest. Following his divorce in 1998, and upon his request, the court formally established, in a final judgment of April 2003, his contact rights with his daughter who was born in 1994. Relying mainly on Article 8 (right to respect for private and family life), Mr Sbârnea complained that the authorities had taken no action to enforce the 2003 judgment regulating his contact rights with his minor daughter.

No violation of Article 8

Revision

SC Placebo Consult SRL v. Romania (no. 28529/04)*

The applicant, SC Placebo Consult SRL, was a Romanian company based in Craiova. In a [judgment](#) of 21 September 2010 the Court found breaches of Article 6 § 1 (length and fairness) on account of the length of proceedings for damages instituted by the applicant company and the setting-aside by the High Court of Cassation and Justice of a final judgment given in those proceedings. On 15 February 2011 the Romanian Government informed the Court that they had learnt that the company had been wound up and its manager and sole shareholder had died prior to the Court's judgment. They therefore requested revision of the judgment (Rule 80 of the Rules of Court). In its judgment today, the Court found that the judgment of 21 September 2010 had to be revised entirely and decided to strike the case out of its list of cases.

Chudun v. Russia (no. 20641/04)

The applicant, Baylak Chudun, is a Russian national who was born in 1974 and lives in Kyzyl (Tyva Republic of the Russian Federation). Arrested in May 2000 and ultimately convicted in August 2004 of robbery and theft of firearms and sentenced to eight years' imprisonment, Mr Chudun complained about the conditions – notably due to overcrowding – as well as the unlawfulness and excessive length of his detention on remand. He also complained about the excessive length of the criminal proceedings against him. He relied on Article 3 (prohibition of inhuman and degrading treatment), Article 5 §§ 1 and 3 (right to liberty and security) and Article 6 § 1 (right to a fair trial within a reasonable time).

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

Violation of Article 5 §§ 1 and 3

Violation of Article 6 § 1 (length)

Just satisfaction: EUR 17,000 (non-pecuniary damage)

Orlov v. Russia (no. 29652/04)

The applicant, Andrey Orlov, is a Russian national, who was born in 1960 and is serving a prison sentence for murder in the Altay region, Russia. Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 6 §§ 1 and 3, he complained about the conditions in which he has been kept in prison, that he has no remedy with which to challenge that, and that the criminal proceedings against him had been unfair, mainly because of the inadequate legal assistance at the appeal stage.

Violation of Article 3 (prohibition of inhuman or degrading treatment) as regards the conditions of detention in the punishment cells of Rubtsovsk Prison in 2005 and 2006

No violation of Article 3 as regards the remaining period of detention in Rubtsovsk Prison

Violation of Article 13 in conjunction with Article 3

Violation of Article 6 §§ 1 and 3 (b) and (c) (fairness)

No violation of Article 34

Just satisfaction: EUR 6,000 (non-pecuniary damage)

Zylkov v. Russia (no. 5613/04)

The applicant, Konstantin Zylkov, is a Russian national, who was born in 1952 and lives in Vilnius, Lithuania. A retired serviceman, he applied in 2003, unsuccessfully, to the social security division of the Russian embassy in Vilnius for an allowance payable to parents of minor children. Relying on Article 6 § 1 (right of access to court), he

complained that the Moscow district and city courts had subsequently refused to examine his claim, finding that they had lacked jurisdiction to hear his case.

Violation of Article 6 § 1 (fairness)

Just satisfaction: EUR 1,500 (non-pecuniary damage)

Dobric v. Serbia (no. 2611/07 and 15276/07)

The applicants, Zdravko and Miladin Dobric, are two Serbian nationals, who were born in 1932 and 1934 respectively. Zdravko Dobric lives in Mala Mostanica (Serbia) and Miladin Dobric lives in Clamart (France). Relying on Article 6 § 1 (right of access to court), they complained about the Supreme Court's rejection of their cassation appeal in a real estate case against them.

No violation of Article 6 § 1

Fruni v. Slovakia (no. 8014/07)

The applicant, Vladimir Fruni, is a Slovak national, who was born in 1952 and lives in Kosice. Relying on Article 6 § 1, Mr Fruni complained that a special court, established in 2003 to try serious cases of corruption and organised crime, which had convicted him for financial fraud in 2007 had been neither impartial nor independent in view, among other things, of its abolishment in 2009. Further relying on Article 5 §§ 1, 3 and 4 (right to liberty and security), he also complained that he had been detained unlawfully and for too long pending his trial, that the decisions to extend his detention had been taken in his absence and by a biased judge, and that his requests for release had not been examined speedily.

No violation of Article 6 § 1; remainder if the complaint inadmissible

Akar v. Turkey (no. 28505/04)*

The applicant, Fikret Akar, is a Turkish national who was born in 1971 and lives in Tekirdağ (Turkey). Relying on Article 8 (right to respect for correspondence), he complained of the monitoring of his correspondence while he was in prison in 2004.

Violation of Article 8

Just satisfaction: EUR 300 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Cingil v. Turkey (no. 29672/02)*

The applicant, Coşar Cingil, is a Turkish national who was born in 1958 and lives in İzmir (Turkey). Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), he complained of the excessive length of judicial proceedings concerning compensation for work-related illness. Relying on Article 1 of Protocol No. 1 (protection of property), he further complained of the amount of compensation awarded to him and the insufficient level of statutory interest in relation to the rate of inflation.

Violation of Article 6 § 1 (length)

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 7,000 (non-pecuniary damage)

Just satisfaction

Günaydın Turizm ve İnşaat Ticaret Anonim Şirketi v. Turkey (no. 71831/01)*

The applicant, Günaydın Turizm ve İnşaat Ticaret Anonim Şirketi, is a Turkish limited company. In a [judgment](#) of 2 June 2009 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property), as the transfer to the Public Treasury, without compensation, of a palace and outbuildings (Villa Zarifi) belonging to the applicant company had not been sufficiently foreseeable. In its judgment today, the Court took note of the friendly settlement between the parties according to which the property was returned to the applicant company by the Public Treasury and the debts for unauthorised use of the premises was annulled. The Court struck the remainder of the case out of its list.

Havva Dudu Albayrak and Others v. Turkey (no. 24470/09)*

The applicants, Havva Dudu Albayrak, Halil Albayrak and Serhan Albayrak, are Turkish nationals who were born in 1956, 1960 and 1988 respectively and live in Mersin (Turkey). Relying in substance on Article 2 (right to life), they alleged that the Turkish authorities had failed to comply with their positive obligation to protect the life of their son and brother, who committed suicide during his compulsory military service.

Violation of Article 2 (right to life)

Just satisfaction:

- non-pecuniary damage: EUR 18,000 to Havva Dudu Albayrak and Halil Albayrak, jointly; and, EUR 9,000 to Serkan Albayrak
- costs and expenses: EUR 1,000, jointly

Uğur and Abi v. Turkey (no. 28234/06)*

The applicants, Mr Beytullah Uğur and Mr Murat Abi, are Turkish nationals who were born in 1979 and 1986 respectively and live in Van (Turkey). Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), they alleged that they had been subjected to police brutality in February 2005 on the anniversary of the arrest of Abdullah Öcalan, head of the PKK (Kurdistan Workers' Party, an illegal organisation) and that the State authorities had failed in their duty to conduct an effective investigation.

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

(Mr Uğur) Violation of Article 3 (lack of effective investigation)

Just satisfaction: EUR 23,500 (in respect of all damage sustained)

Ziya Çevik v. Turkey (no. 19145/08)*

The applicant, Ziya Çevik, is a Turkish national who was born in 1932 and lives in Ankara. In 1963 he became joint owner of a plot of land situated in Çankaya, Ankara. In 1973 the municipality earmarked the land for development as a children's playground. In 1978 an entry to that effect was made in the land register, stating that the land would be expropriated. Owing to a lack of funds, however, the project was not completed. Relying on Article 1 of Protocol No. 1 (protection of property), the applicant complained of a breach of his right to peaceful enjoyment of his possessions.

Violation of Article 1 of Protocol No. 1

Just satisfaction: no claim made by the applicant within time-limit

Repetitive case

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

Subicka v. Poland No. 2 (nos. 34043/05 and 15792/06)

The case concerned the applicant's complaint that her lawyers appointed under a legal-aid scheme had refused to bring a cassation appeal in her case. She relied on Article 6 § 1 (right of access to court).

No violation of Article 6 § 1 (first and third sets of proceedings)

Violation of Article 6 § 1 (second set of proceedings)

Length-of-proceedings cases

In the following cases, the applicants complain in particular about the excessive length of legal proceedings.

Criminal

Winerowicz v. Poland (no. 4382/10)

This case concerned in particular the applicant's complaint concerning the excessive length of criminal proceedings brought against him on several counts of receiving and counterfeit.

Violation of Article 6 § 1

Non-criminal

Jovicic v. Croatia (no. 23253/07)

Violation of Article 6 § 1

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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.