



## Judgments<sup>1</sup> concerning Hungary, Italy, Poland, Romania, Slovakia, Slovenia and Turkey

The European Court of Human Rights has today notified in writing the following 18 judgments.

Repetitive cases<sup>2</sup> 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 (\*).

### Goldmann and Szénászky v. Hungary (application no. 17604/05)

The applicants, György Goldmann and Júlia Szénászky, are two Hungarian nationals who were born in 1945 and 1947 respectively and live in Hódmezővásárhely (Hungary). They are married. Both archaeologists, they complained about the excessive length and unfairness of criminal proceedings brought against them for embezzlement of artefacts. They were convicted as charged in 1998 and sentenced to one year's imprisonment, suspended for two years; following a retrial, that conviction was upheld on appeal in 2005 and, finally, the applicants' petition for review was dismissed in 2005 by the Supreme Court. They relied on Article 6 §§ 1 and 3 (c) (right to a fair trial within a reasonable time) of the European Convention on Human Rights, complaining in particular that the second-instance court of the retrial did not hold a public hearing.

#### **Violation of Article 6 § 1 in conjunction with Article 6 § 3 (c)** (fairness)

**Just satisfaction:** 6,400 euros (EUR), each (non-pecuniary damage)

### Jończyk v. Poland (no. 19789/08)

The applicant, Grzegorz Jończyk, is a Polish national who was born in 1976 and is currently detained in Kassel (Germany). Suspected of uttering threats and domestic violence, Mr Jończyk complained that he had been remanded in custody in a Polish regular detention centre from December 2007 to September 2008, despite the fact that he suffered from paranoid schizophrenia, and despite a decision of July 2008 discontinuing the proceedings against him and ordering his placement in a psychiatric hospital. Relying in particular on Article 5 § 1 (right to liberty and security) of the Convention, he complained about the unlawfulness of his detention following the decision of July 2008.

#### **No violation of Article 5 § 1**

---

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](http://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.

### Gál v. Slovakia (no. 45426/06)

The applicant, Lukás Gál, is a Slovak national who was born in 1980 and lives in Sered' (Slovakia). Relying in particular on Article 5 § 4 (right to liberty and security), Mr Gál complained about the unlawfulness of, as well as procedural shortcomings in, the examination of his detention pending trial on suspicion of drug offences.

#### Violation of Article 5 § 4

**Just satisfaction:** EUR 1,200 (non-pecuniary damage) and EUR 900 (costs and expenses)

### Oklešen and Pokopališko Pogrebne Storitve Leopold Oklešen S.P. v. Slovenia (no. 35264/04)

The applicants are, Leopold Oklešen, a Slovenian national who was born in 1947 and lives in Novo Mesto (Slovenia), and his private enterprise, "Leopold Oklešen cemetery and Funeral Services s.p.", which used to provide all funeral services in Novo Mesto. Relying in particular on Article 1 of Protocol No. 1 (protection of property), the applicants complained about a municipal decree issued in 2000 preventing them from providing funeral services which they had been doing for seven years.

#### No violation of Article 1 of Protocol No. 1

### Z. v. Slovenia (no. 43155/05)

The applicants, S.Z. and his daughter N.Z., are two Slovenian nationals who were born in 1955 and 1997 respectively and live in Celje (Slovenia). They complained about lack of contact between them, caused by delays in court proceedings concerning child custody and contact arrangements, following S.Z.'s separation in 2001 from N.Z.'s mother. They relied in particular on Article 8 (right to respect for private and family life).

#### No violation of Article 8

### Karabulut v. Turkey (no. 39783/06)\*

The applicant, Devher Karabulut, is a Turkish national who was born in 1968 and lives in Kocaeli (Turkey). In 1994 she and other individuals were prosecuted for membership of an illegal organisation (the DHKP/C - Revolutionary People's Liberation Party/Front). In 2006 the proceedings were discontinued as the prosecution had become time-barred. Relying on Article 6 § 1 (right to a fair trial within a reasonable time), the applicant complained of the excessive length of the proceedings.

#### Violation of Article 6 § 1 (length)

**Just satisfaction:** EUR 7,800 (non-pecuniary damage) and EUR 2,400 (costs and expenses)

### S.S. Balıklıçeşme Beldesi Tarım Kalkınma Kooperatifi and Others v. Turkey (nos. 3573/05, 3617/05, 9667/05, 9884/05, 9891/05, 10167/05, 10228/05, 17258/05, 17260/05, 17262/05, 17275/05, 17290/05 and 17293/05)\*

The applicants are 13 farm cooperatives. Their State milk subsidies for 1995 were discontinued following an administrative decision. Relying on Article 6 § 1 (right of access to a court and right to a fair hearing), they complained about the proceedings they had brought seeking payment of the subsidies. In particular, they maintained that the restrictive interpretation of the procedural rules by the domestic courts had prevented them from having their case examined on the merits by a court. They further alleged that the failure to inform them in advance of the opinion of State Counsel at the

Supreme Administrative Court in the context of their respective appeals on points of law had been in breach of the adversarial principle.

**Violation of Article 6 § 1** (failure to communicate opinion of State Counsel)

**No violation of Article 6 § 1** (right of access to a court)

**Just satisfaction:** total of EUR 1,313 (costs and expenses). The finding of a violation sufficient just satisfaction for non-pecuniary damage.

### Turan Biçer v. Turkey (no. 3224/03)\*

The applicant, Turan Biçer, is a Turkish national who was born in 1975 and lives in İzmir (Turkey). In 2001 he was sentenced to imprisonment for participating in unauthorised demonstrations in support of the PKK, an illegal organisation. In 2003 his sentence was quashed and he was released. He contended in particular that his conviction, the effects of which he had suffered between 2001 and 2003, had been in breach of Article 11 (freedom of assembly and association).

**Violation of Article 11**

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

### Repetitive cases

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

#### Revision

**Cernescu and Manolache v. Romania** (no. 28607/04)\*

In a judgment of 8 January 2009 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) on account of the sale by the State to a third party, in good faith and without compensation, of a flat of which the applicants were the recognised owners. In October 2009 the Government informed the Court that the flat in question had actually been returned to the applicants in 2008. In its judgment today, the Court decided to revise the judgment of 8 January 2009 regarding the application of Article 41 (just satisfaction) and awarded the applicants, jointly, EUR 5,000 for pecuniary damage and EUR 1,500 for costs and expenses.

**Ergin and Others v. Turkey** (no. 4266/02)\*

In this case the applicants complained of the delay by the administrative authorities in paying them compensation for expropriation and of the inadequacy of the statutory default interest rate. They relied on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

**Violation of Article 6 § 1** (fairness)

**Violation of Article 1 of Protocol No. 1**

### Length-of-proceedings cases

**Hatala v. Hungary** (no. 35569/05)

**Hesz v. Hungary** (no. 39382/06)

**Vicario and Suma v. Italy** (nos. 29430/03 and 37928/03)\*

**Cichocki v. Poland** (no. 40748/09)

**Kaščák v. Slovakia** (no. 280/06)

**Vrabec v. Slovakia** (no. 1941/06)

**Karanfillı v. Turkey** (no. 29064/06)\*

**Nusret Erdem v. Turkey** (no. 34490/03)\*

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 the cases** **Violation of Article 13 – 6th case**

---

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.