



Judgments¹ concerning Hungary, Italy, Moldova, Poland, Romania and Turkey

The European Court of Human Rights has today notified in writing the following 13 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 (*).

Lánchíd Hitel és Faktor Zrt. v. Hungary (application no. 40381/05)

The applicant, Lánchíd Hitel És Faktor Zrt., is a Hungarian private limited company based in Budapest. It complained that certain debts – in particular social security contributions – it had been assigned by the tax authorities in 2001 and 2002 were declared non-enforceable by the Hungarian courts. It relied in particular on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights.

Violation of Article 1 of Protocol No. 1

Just satisfaction: 310,000 euros (EUR) (pecuniary damage) and EUR 40,000 (costs and expenses)

Piazzini v. Italy (no. 36168/09)*

The applicant, Alessandro Piazzini, is an Italian national who was born in 1960 and lives in Rimini (Italy). The case concerned the applicant's inability, for more than seven years, to exercise his right of access in respect of his son, under the conditions laid down by the courts, on account of the alleged failure by the social services to take the necessary measures. He complained in particular that the social services' role in the enforcement of the court decisions had been too autonomous and that the Youth Court had not ensured that its decisions had been properly followed up. He relied on Article 8 (right to respect for private and family life).

Violation of Article 8

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 5,000 (costs and expenses)

Mățășaru and Savițchi v. Moldova (no. 38281/08)

The applicants, Anatol Mățășaru, and his wife, Djulieta Savițchi, are Moldovan nationals who were both born in 1950 and live in Chișinău. Relying in particular on Article 3

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.

(prohibition of inhuman or degrading treatment), Mr Mătășaru complained about the ineffectiveness of an investigation into his allegation that he had been attacked outside his internet café in October 2006.

(Mr Mătășaru) Violation of Article 3 (inadequate investigation)

Just satisfaction: EUR 8,000 (non-pecuniary damage) and EUR 4,000 (costs and expenses)

Serghides v. Poland (no. 31515/04)*

The applicant, Andreas Serghides, is a British national who was born in 1971 and lives in London. He married a Polish national and they settled in London. A daughter was born in 1998. The case concerned the applicant's request for the return to the United Kingdom of his daughter, who was taken by the mother to Poland. Relying in particular on Article 8 (right to respect for private and family life), he complained that the Polish procedures relating to his request had not been followed up with due diligence. In his view, because of the procedural delays, his emotional ties with his child had weakened and, as a result, the decision ordering the child's return to the United Kingdom had been reversed.

No violation of Article 8

Bujac v. Romania (no. 37217/03)*

The applicant, Horațiu Bujac, is a Romanian national who was born in 1979 and lives in Sibiu (Romania). He was arrested on theft charges and remanded in custody in 2002. Relying in particular on Article 5 § 1 (right to liberty and security), he alleged that his pre-trial custody had been illegal from August 2002 as it had not been lawfully extended. He further complained under Article 5 § 3 that his request for release on licence during the proceedings had been rejected.

Violation of Article 5 § 1

No violation of Article 5 § 3

Just satisfaction: EUR 8,000 (non-pecuniary damage) and EUR 50 (costs and expenses)

Grozavu v. Romania (no. 24419/04)*

The applicant, Ion-Marius Grozavu, is a Romanian national who was born in 1969 and lives in Timișoara (Romania). A former civil servant, he complained about the conditions of his detention in Bucharest-Jilava Prison – in particular overcrowded cells and a deplorable lack of hygiene – where he served a sentence for corruption. He relied on Article 3 (prohibition of inhuman or degrading treatment),

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

Just satisfaction: EUR 5,000 (non-pecuniary damage) and EUR 1,500 (costs and expenses)

Nistor v. Romania (no. 14565/05)*

The applicants, Olimpia Doina Nistor, Doina Nistor and Romulus Vasile Nistor, are three Romanian nationals who were born in 1973, 1949 and 1949 respectively and live in Crucișor (Romania). They are the mother and maternal grandparents of a child who was born in 1998. The child's parents left for Italy in 2000 and the paternal grandmother was appointed guardian in their absence. After the parents divorced, custody was awarded to the father on the ground that he had maintained contact with the child, unlike the mother. Relying in particular on Article 8 (right to respect for private and family life), the applicants complained about a refusal to remove the limitation of their right of access in

respect of the child, and about their inability to exercise that right on account of the alleged inaction of the authorities.

Violation of Article 8

Just satisfaction:

- non-pecuniary damage: EUR 5,000 to the child's mother and EUR 5,000, jointly, to the child's maternal grandparents
- costs and expenses: EUR 2,500 to the child's mother

S.C. Apron Dynamics SRL Baia Mare v. Romania (no. 21199/03)

The applicant, S.C. Apron Dynamics SRL Baia Mare, is a Romanian company, founded in 1992, and based in Baia Mare (Romania). Relying in particular on Article 6 § 1 (right of access to court), the applicant company complained about the excessive length of and high court fees in proceedings it had brought against another company to recover a debt.

Violation of Article 6 § 1 (fairness)

Violation of Article 6 § 1 (length)

Just satisfaction: EUR 5,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Ștefănică and Others v. Romania (no. 38155/02)

The applicants are 18 Romanian nationals, two of whom are now deceased, all previously employees of a former State-owned bank. The bank was involved in a restructuring process in 1998 and 1999 which entailed hundreds of dismissals, including those of the applicants. The case concerned their complaint that the domestic courts' decisions with regard to the granting of compensation for dismissal had been inconsistent, even though the claims had been brought by people in similar situations and had involved similar legal issues. They relied in particular on Article 6 § 1 (right to a fair hearing).

Violation of Article 6 § 1 (fairness)

Just satisfaction: EUR 3,000, each (non-pecuniary damage) and EUR 40, each (costs and expenses)

Repetitive cases

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

Vitcovschi v. Romania (no. 24193/07)*

This case concerned in particular the applicants' complaint concerning the excessive length of criminal proceedings against them for theft between family members. They relied on Article 6 § 1 (right to a fair trial within a reasonable time).

Violation of Article 6 § 1 (length)

Lordos and Others v. Turkey (no. 15973/90)

This case concerned the allegation by 13 applicants that the Turkish occupation of the northern part of Cyprus following the 1974 conflict had deprived them of their homes and properties. They relied in particular on Article 1 of Protocol No. 1 (protection of property) and Article 8 (right to respect for private and family life).

(Eight of the applicants) Violation of Article 1 of Protocol No. 1

(Four of the applicants) No violation of Article 8

(Seven of the applicants) Violation of Article 8

Length-of-proceedings cases

Filippelli v. Italy (no. 1287/04)*

Tiziano Bianchi v. Italy (no. 18477/03)*

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 – both 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.