



Judgments and decisions of 6 April 2017

The European Court of Human Rights has today notified in writing 20 judgments¹ and 70 decisions²: four Chamber judgments are summarised below; separate press releases have been issued for two other Chamber judgments in the cases of *A.P. and Others v. France* (application nos. 79885/12, 52471/13 and 52596/13) and *Klein and Others v. Germany* (nos. 10138/11, 16687/11, 25359/11 and 28919/11); 14 Committee judgments, concerning issues which have already been submitted to the Court, and the 70 decisions, can be consulted on [Hudoc](#) and do not appear in this press release. *The judgments in French below are indicated with an asterisk (*)*.

Aneva and Others v. Bulgaria (application nos. 66997/13, 77760/14 and 50240/15)

The case concerned three different applications where a parent had been unable to have contact with their child, despite the existence of a court judgment granting the parent custody or visiting rights.

The first applicant, Vladimira Aneva (born 1981), is the mother of the second applicant, Mihail Ivanov (born 2002). At the start of 2005, after Mihail Ivanov made a visit to his father, the father drove away with him instead of returning him to Ms Aneva's home. The father has repeatedly refused to allow Ms Aneva to spend time with the child – despite this being ordered by the courts in the couple's divorce proceedings. The third applicant, Slaveyka Kicheva (born 1972), was also granted custody of her son after she and the father separated. However, in September 2011 the father of the child refused to return him after a scheduled meeting, and since then Ms Kicheva has only seen her son on a few occasions (and always in an institutional setting). The fourth applicant, Stanimir Drumev (born 1973), was granted contact rights with his child consisting of two weekends per month and one full month in the summer holidays. However, he claims that in June 2012 his ex-wife started preventing him from having contact with his child.

Relying in particular on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Ms Aneva, Ms Kicheva and Mr Drumev complained about the prolonged impossibility to have contact with their children, despite custody and/or contact being ordered by the courts in final judgments. Ms Aneva made the same complaint on behalf of her son, the second applicant, but to the effect of him not being provided with the opportunity and conditions to have contact with his mother.

Violation of Article 8 – in respect of Ms. Aneva, Mr. Ivanov and Ms. Kicheva

No violation of Article 8 – in respect of Mr. Drumev

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber 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 Inadmissibility and strike-out decisions are final.

Just satisfaction: 12,000 euros (EUR) jointly to Ms. Aneva and Mr. Ivanov, and EUR 12,000 to Ms. Kicheva (non-pecuniary damage); and EUR 1,910 jointly to Ms. Aneva and Mr. Ivanov, and EUR 2,100 to Ms. Kicheva (costs and expenses)

Just Satisfaction

Žáková v. the Czech Republic (no. 2000/09)

The applicant, Sylvie Žáková, is a Czech national who was born in 1938 and lives in Landshut, Germany. She emigrated in 1968 from the then Czechoslovakia and in the 1970s all her property there – consisting in particular of one plot of land in the cadastral area of Třebíč – was seized by the communist regime. In 1991 the decisions on the seizure were declared null and void and Ms Žáková started renting the land to a municipality. Relying on Article 1 of Protocol No. 1 (protection of property), she complained that in 1997 the Land Register entered the municipality as the sole owner of the property and, as a result, she effectively lost the ownership to the land. According to Ms Žáková, she had been registered as the sole owner of the land without interruption from 1960 until 1997. The Government maintained that she had lost ownership of the land in a decision of 1971 which had found her guilty of the offence of fleeing Czechoslovakia and that, after that, she had been registered as owner only as a result of a mistake.

In its [judgment on the merits of 3 October 2013](#) the Court found a violation of Article 1 of Protocol No. 1.

Today's judgment concerned the question of just satisfaction (Article 41 of the Convention).

Just satisfaction: EUR 43,230 (pecuniary damage), EUR 7,500 (non-pecuniary damage), and EUR 7,402 (costs and expenses)

Vasiliadou v. Greece (no. 32884/09)*

The applicant, Despina Vasiliadou, is a Greek national who was born in 1965 and lives in Thessaloniki (Greece).

The case concerned Ms Vasiliadou's complaint about the authorities' delay in complying with a judgment delivered by the Administrative Court of Appeal in her favour concerning the purchase of a plot of land.

On 29 January 1991 Ms Vasiliadou applied to the Expropriation Board of Khalkidhiki Prefecture with a view to purchasing a plot of land in Nea Flogita for gardening purposes. Her application was dismissed twice on the grounds that she did not live in Nea Flogita. On 13 February 1998 Ms Vasiliadou unsuccessfully appealed to the Thessaloniki Administrative Court against those decisions. She subsequently lodged an appeal with the Thessaloniki Administrative Court of Appeal, which delivered a judgment on 12 January 2004 setting aside the Expropriation Board's decision and referring the case back to that Board, on the grounds that Ms Vasiliadou met all the legal criteria and that the Board should have assessed her application together with all the other applications before it.

On 30 December 2004 the Expropriation Board received the judgment of the Administrative Court of Appeal and Ms Vasiliadou's request for a settlement of the case. On 23 August 2006 Khalkidhiki Prefecture informed Ms Vasiliadou that her request could not be met since there was no land available. On 8 December 2008, having sent a letter of complaint to the Expropriation Board, Ms Vasiliadou applied to the three-judge committee of the Council of State responsible for supervising the proper execution by the authorities of judgments delivered by the administrative courts. That Council of State committee considered that application on 11 February 2010; it found that the Expropriation Board had refused to comply with the judgment of the Administrative Court

of Appeal for five years without valid reason, and gave Khalkidhiki Prefecture two months to take the requisite action.

By decision of 20 October 2010 the Board agreed to sell a plot of land to Ms Vasiliadou, pointing out that it was the only plot available in Nea Flogita.

Relying on Article 6 § 1 (right of access to a tribunal), Ms Vasiliadou complained of the authorities' delay in complying with the Administrative Court of Appeal's judgment of 12 January 2004.

Violation of Article 6 § 1

Just satisfaction: EUR 3,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Karajanov v. "the former Yugoslav Republic of Macedonia" (no. 2229/15)

The applicant, Petar Karajanov, is a Macedonian national who was born in 1936 and lives in Skopje. The case concerned lustration proceedings brought against him. These were proceedings aimed at exposing persons who had worked for or collaborated with the State's security services during the communist period.

In May 2013 a lustration commission established that Mr Karajanov, a former high-ranking official, had collaborated with State security bodies in 1962 and 1963, as he had provided information about his family and a colleague. It based its decision on the 2012 Lustration Act. The decision was immediately published on the commission's website and provided personal information on Mr Karajanov.

Mr Karajanov contested this decision before the administrative courts, submitting written evidence to show that there had been a mistake in identity and challenging the authenticity of certain documents in the file against him. His arguments were rejected by the courts, ultimately by the Higher Administrative Court in March 2014, which accepted the facts as established by the commission and the reasons given in its decision.

Relying in particular on Article 6 § 1 (right to a fair hearing), Mr Karajanov alleged that the proceedings against him had been unfair. He notably alleged that they had not been adversarial, given the authorities' refusal to consider evidence he had proposed, that there had been no oral hearing at any stage of the proceedings and that the authorities had failed to provide sufficient reasons for their decisions. Further relying on Article 8 (right to respect for private and family life), he complained about the commission's publication of the decision against him on its website before it had become final and the damaging effects of this on his reputation.

Violation of Article 6 § 1

Violation of Article 8

Just satisfaction: EUR 4,500 (non-pecuniary damage) and EUR 1,000 (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.