EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
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ECHR 247 (2017)
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Judgments and decisions of 13 July 2017

The European Court of Human Rights has today notified in writing eight judgments[1] and six decisions[2]:

five Chamber judgments are summarised below;

three Committee judgments, concerning issues which have already been submitted to the Court, and the six decisions, can be consulted on Hudoc and do not appear in this press release.

The judgments in French are indicated with an asterisk (*).

Nikolay Genov v. Bulgaria (no. 7202/09)

The applicant, Nikolay Dimitrov Genov, is a Bulgarian national who was born in 1966 and lives in Pazardzhik (Bulgaria). The case concerned his complaint that the courts had failed to consider his case fairly during criminal proceedings against him.

In 2008 Mr Genov was convicted for having acquired counterfeit US dollars. The court ruled that he had acquired the notes at some time between March 2005 (when such possession was first criminalised) and January 2007 (when the notes were found in a search of his house). However, at trial, evidence had been given suggesting that Mr Genov had acquired US dollars in 2002 (before the possession of counterfeit notes was criminalised), and also in subsequent years. Mr Genov appealed his conviction, claiming that it had never been established that he had taken possession of the counterfeit notes at a time when this had been a criminal offence. However, both of his appeals were dismissed.

Relying in particular on Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights, Mr Genov complained that the domestic courts had failed to respond to his argument that it had not been shown that he had carried out the offence at a time when it had been unlawful.

Violation of Article 6 § 1

Just satisfaction: 2,400 euros (EUR) (non-pecuniary damage), and EUR 1,000 (costs and expenses)

Velkova v. Bulgaria (no. 1849/08)

The applicant, Tatyana Velkova, is a Bulgarian national who was born in 1966 and lives in Sofia. The case concerned her complaint that the municipal authorities had failed to duly implement a court order, ordering it to allow her to purchase some of the authority's property.

In February 2004, the Kardzhali Municipal Council was ordered by the Regional Court to open a privatisation procedure, under which it would offer Ms Velkova the option to purchase the first floor of the city's shopping centre. The ruling was upheld by the Supreme Administrative Court in a final decision in February 2005. However, though Ms Velkova had been able to purchase part of the

[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] Inadmissibility and strike-out decisions are final.

premises in 2008, the municipal authorities refused to grant her the option to buy the whole of the first floor until December 2013. She sought a remedy for this failure in particular through administrative proceedings for damages – but was unsuccessful.

Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), Ms Velkova complained that the municipal council had failed to comply with a final judgment in her favour for nine and a half years. Relying on Article 13 (right to an effective remedy) in conjunction with Article 6 § 1 and Article 1 of Protocol No. 1, she complained of the absence of an effective domestic remedy in respect of her complaint.

Violation of Article 6 § 1
Violation of Article 1 of Protocol No. 1
Violation of Article 13 in conjunction with Article 6 § 1
Violation of Article 13 in conjunction with Article 1 of Protocol No. 1

Just satisfaction: EUR 20,000 (all heads of damage), and EUR 6,424 (costs and expenses)

Jugheli and Others v. Georgia (no. 38342/05)

The application was made by Ivane Jugheli (now deceased), Otar Gureshidze, and Liana Alavidze, Georgian nationals who were born in 1946, 1947, and 1957 respectively. The case concerned their complaint that a thermal power plant located in close proximity to their homes had endangered their health and well-being.

The "Tboelectrocentrali" power plant was located approximately four metres from the block of flats where the applicants lived in Tbilisi. The power plant first started operations in 1939 and partially ceased in February 2001. According to the applicants, while operational the plant's potentially dangerous activities were not subject to the relevant regulations, as a result of which it produced air pollution which negatively affected their health and well-being. Their claims for compensation in the Georgian courts were all rejected, ultimately by the Supreme Court in a final judgment of 21 April 2005.

Relying on Article 8 (right to respect for private and family life and the home), they complained about the State's failure to protect them from the power plant's pollution.

Violation of Article 8 – in respect of Mr Gureshidze and Ms Alavidze
The Court also decided to **strike** the application **out** of its list of cases, in so far as Mr Jugheli's complaints were concerned.

Just satisfaction: EUR 4,500 (non-pecuniary damage) each and EUR 3,848 (costs and expenses) jointly to Mr Gureshidze and Ms Alavidze

Shuli v. Greece (no. 71891/10)

The applicant, Astrit Shuli, is an Albanian national who was born in 1983 and lives in Portoheli (Greece). He complained that he had been unfairly denied the opportunity to have his appeal considered by a court. In September 2007 Mr Shuli was convicted of various crimes by the Nafplio three-judge Court of Appeal. Following the delivery of the judgment, Mr Shuli expressed his wish to appeal. He was escorted in handcuffs to the registry of the court, where the registrar completed a pre-printed appeal form with his personal details, and Mr Shuli was briefly released from handcuffs in order to sign it. When the appeal came before the five-member Appeal Court, it was held inadmissible on the grounds that it had not included any reasons. Mr Shuli complained that this ruling had violated his rights under Article 6 § 1 (access to court), as he had been prevented from lodging an appeal due to the way the pre-filled form provided to him by the registry was formulated

(rather than due to any fault of his own), and because the inadmissibility ruling had been disproportionate.

Violation of Article 6 § 1

Just satisfaction: EUR 7,800 in respect of non-pecuniary damage

Xenos v. Greece (no. 45225/09)

The applicant, Evaggelos Xenos, is a Greek national who was born in 1944 and lives in Pefki (Greece).The case concerned proceedings brought by Mr Xenos against his employer and the partial dismissal of his appeal on points of law for being out of time.

On 30 October 2000, Mr Xenos, a hotel employee, was dismissed from his job. In January 2001 he sued his employer in the civil courts seeking the annulment of his dismissal, his reinstatement and the payment of his wages from 30 October 2000 to 31 December 2001, together with the payment of about 14,840 euros (EUR) by way of bonuses and allowances that he claimed not to have received between 1994 and 2000.

On 10 April 2002 the court dismissed Mr Xenos' action as ill-founded. He appealed. On 10 July 2003 the Court of Appeal gave an initial judgment (no. 5.913/2003), rejecting Mr Xenos' claim concerning the annulment of his dismissal and the payment of salary arrears. On 4 July 2006 the Court of Appeal gave a second judgment (no. 5233/2006), dismissing his claim for unpaid bonuses and allowances. He lodged an appeal on points of law against both judgments on 30 October 2006.

On 20 January 2009 the Court of Cassation rejected as out of time the appeal on points of law against judgment no. 5.913/2003 concerning Mr Xenos' dismissal and the payment of salary arrears, finding that the three-year time-limit for such appeals had expired. It also rejected the appeal against judgment no. 5233/2006, on the alleged bonuses and allowances, declaring it unfounded.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time / right of access to a court) and on Article 13 (right to an effective remedy), Mr Xenos complained about the length of the proceedings, about the lack of an effective remedy by which to have that complaint heard, and a breach of his right of access to a court on account of the partial rejection of his appeal on points of law.

Violation of Article 6 § 1 (length of proceedings)
Violation of Article 13 – on account of the lack of an effective remedy to complain of the excessive length of proceedings
No violation of Article 6 § 1 (access to court)

Just satisfaction: EUR 2,000 (non-pecuniary damage), and EUR 350 (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.