



## Judgments of 11 June 2024

The European Court of Human Rights has today notified in writing ten judgments<sup>1</sup>:

three Chamber judgments are summarised below;

a separate press release has been issued for another Chamber judgment in the case of *Kokëdhima v. Albania* (application no. 55159/16);

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

*The judgment in French below is indicated with an asterisk (\*).*

### [Zela v. Albania](#) (application no. 33164/11)

The applicant, Skënder Zela, is an Albanian national who was born in 1953 and lives in Tirana.

The case concerns the demolition in 2002 of a three-storey building Mr Zela had constructed in Tirana along the Lana riverbank. The authorities ordered the demolition on the grounds that the building was an illegal construction which breached the urban-planning rules for the area. He brought proceedings claiming compensation, which were ultimately unsuccessful in 2010.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time) of the European Convention on Human Rights, Mr Zela complains about the length of the proceedings for compensation. Also relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention, he complains that the demolition of his building was unlawful and that he was awarded no compensation.

#### **No violation of Article 6 § 1**

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

#### **Just satisfaction:**

pecuniary damage: 50,000 euros (EUR)

non-pecuniary damage: EUR 3,000

costs and expenses: EUR 7,000

### [T.V. v. Croatia](#) (no. 47909/19)

The applicant, Ms T.V., is a Slovenian national who was born in 1980 and lives in Celje (Slovenia).

The case concerns the death of the applicant's partner, who had a history of mental-health problems, in the course of a police intervention and the alleged ineffectiveness of the ensuing criminal investigation. The police were called to a hotel in Opuzen (Croatia) on 16 November 2017 when her partner got into a fight with a hotel guest. The police ended up immobilising her partner

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

face down on the ground and calling for an ambulance to assist in the intervention. He died on the way to hospital. An official investigation was opened into the incident in 2020 which concluded that he “had a violent death as a result of mental trauma” but that the force by the police had been lawful and proportionate and that the medical staff had not been negligent.

Relying in particular on Article 2 (right to life/effective investigation) of the Convention, Ms T.V. alleges that her partner died because five police officers had beaten him, causing him serious bodily injuries and that, even though he had bitten off and swallowed part of his finger and was turning blue, the officers and the medical personnel had put him on his stomach on the ambulance stretcher without the supervision of a doctor or nurse. She also complains that the ensuing criminal investigation was inadequate.

**Violation of Article 2** (right to life)

**Violation of Article 2** (investigation)

**Just satisfaction:**

non-pecuniary damage: EUR 13,300

costs and expenses: EUR 5,000

### Gülcan v. Türkiye (no. 43097/15)\*

The applicant, Hasan Baki Gülcan, is a Turkish national who was born in 1974 and lives in Ankara.

The case concerns a disciplinary sanction – namely, seven days of room confinement – imposed on him by his official superior in the military.

The applicant served the sanction in December 2012. He also challenged it before a higher-ranking officer that same year, but his application was dismissed. He then lodged an individual application with the Constitutional Court in 2013, submitting that his right to liberty and security had been breached. In 2015 the Constitutional Court found that the applicant’s deprivation of liberty could not be characterised as lawful detention, but awarded him no compensation.

Relying on several Articles of the Convention, in particular Article 5 (right to liberty and security), the applicant complains about the disciplinary sanction imposed on him by his military superior. In this regard, he argues that he was not afforded a judicial review by an independent and impartial tribunal.

**Violation of Article 5 § 1**

**Just satisfaction:**

non-pecuniary damage: EUR 5,000

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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.