



Judgments of 16 February 2021

The European Court of Human Rights has today notified in writing 18 judgments¹:

eight Chamber judgments are summarised below;

separate press releases have been issued for four other Chamber judgments in the cases of: *Gawlik v. Liechtenstein* (application no. 23922/19), *Stichting Landgoed Steenberg and Others v. the Netherlands* (no. 19732/17), *Tikhonov and Khasis v. Russia* (nos. 12074/12 and 16442/12), and *V.C.L. and A.N. v. the United Kingdom* (nos. 77587/12 and 74603/12);

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

Vermeersch v. Belgium (application no. 49652/10)*

The applicant, Franck Vermeersch, is a Belgian national. He is a farmer.

In this application Mr Vermeersch complained of the dismissal by the domestic courts of his action for damages against the State on the grounds of statutory limitation. He submitted that both the law and case-law regarding statutory limitation of claims against the State were unclear and unforeseeable, and that the Court of Cassation had been excessively formalistic in dismissing his supplementary pleadings.

In 1991 Mr Vermeersch applied for a permit to extend his pig farm. That application was only partly allowed (in 1996), and Mr Vermeersch therefore lodged an action for annulment with the *Conseil d'État*. The latter court found for the applicant in 2004.

In 2005 Mr Vermeersch lodged an action for damages against the State, claiming a total of 368,470 euros (EUR). The civil courts dismissed his action on the grounds that it was statute-barred pursuant to Article 2262bis of the Civil Code and section 100 of the Laws on Public Accounts. The courts stated, in particular, that an action for annulment before the *Conseil d'État* had no suspensive or interruptive effect, in accordance with Articles 2246 to 2250 of the Civil Code; that under established case-law there was no need to await the outcome of an action for annulment before bringing an action for damages according to the ordinary rules on liability in tort; and that, therefore, the limitation period for the action for damages had started running on 1 January 1996, whereas Mr Vermeersch had lodged his action for damages in January 2005.

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights, Mr Vermeersch alleged that the applicable rules regarding the statutory limitation of claims against the State were unclear and unforeseeable. He also complained that the Court of Cassation had been excessively formalistic on the matter of the admissibility of his supplementary pleadings.

Violation of Article 6 § 1

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: http://www.coe.int/t/dghl/monitoring/execution_-_blank

Just satisfaction: 10,000 euros (EUR) for pecuniary damage and EUR 8,649.84 for costs and expenses.

Behar and Gutman v. Bulgaria (no. 29335/13)

The applicants, Gabriela Aron Behar and Katrin Borisova Gutman, are Bulgarian nationals who were born in 1972 and 1968 respectively and live in Plovdiv (Bulgaria). They are of Jewish ethnicity.

The case concerned the dismissal of an application for a court order that they had taken against a journalist and politician, seeking an apology for anti-Semitic remarks and that he refrain from such remarks in the future.

Relying in particular on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination) of the European Convention, the applicants complained of the dismissal of their claim against the politician.

Violation of Article 8 in conjunction with article 14

Just satisfaction: The Court held that the finding of a violation of Article 8 of the Convention read in conjunction with Article 14 constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants and that the respondent State was to pay the applicants EUR 2762,53 for costs and expenses.

Budinova and Chaprazov v. Bulgaria (no. 12567/13)

The applicants, Kremena Goshova Budinova and Vasil Stoyanov Chaprazov, are Bulgarian nationals who were born in 1970 and 1945 respectively and live in Sofia. They are of Roma ethnicity.

The case concerned the dismissal of a claim under anti-discrimination legislation against a journalist and politician, seeking an apology for anti-Roma remarks and that he refrain from such remarks in the future.

Relying in particular on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination) of the Convention, the applicants complained that the dismissal of the politician's views as "facts" had legitimised racism.

Violation of Article 8 in conjunction with Article 14

Just satisfaction: The Court held that the finding of a violation of Article 8 of the Convention read in conjunction with Article 14 constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants and that the respondent State was to pay the applicants EUR 2,900 for costs and expenses.

Meng v. Germany (no. 1128/17)

The applicant, Salina Meng, is a German national who was born in 1964 and lives in Frankfurt am Main (Germany).

The case concerned the applicant's conviction for the murder of her husband for profit with a certain G.S. During her trial, the presiding judge had previously been judge rapporteur in separate proceedings against G.S. alone.

Relying on Article 6 § 1 (right to a fair trial) of the Convention, the applicant complained that the bench that had convicted her of murder had not been impartial.

Violation of Article 6 § 1

Just satisfaction: The applicant did not submit any claims for just satisfaction.

Buliga v. Romania (no. 22003/12)

The applicant, Ionel Petrică Buliga is a Romanian national who was born in 1984 and lives in Giera (Romania).

The case concerned the fairness of minor-offence proceedings against the applicant, including calling of witnesses.

Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses) of the Convention, the applicant complained that the criminal proceedings against him had been unfair.

Violation of Article 6 §§ 1 and 3(d)

Just satisfaction: EUR 4,000 for non-pecuniary damage.

Negulescu v. Romania (no. 11230/12)

The applicant, Valentina Claudia Negulescu, is a Romanian national who was born in 1973 and lives in Prahova (Romania).

The case concerned the fairness of minor-offence proceedings against the applicant, including cross examination of witnesses.

Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses), the applicant complained that the criminal proceedings against her had been unfair.

Violation of Article 6 §§ 1 and 3(d)

Just satisfaction: EUR 1,000 for non-pecuniary damage and EUR 100 for costs and expenses.

Budak v. Turkey (no. 69762/12)

The applicant, İbrahim Halil Budak, is a Turkish national who was born in 1985 and lives in İzmir (Turkey).

The case concerned the search of the applicant's house on suspicion of membership of an illegal organisation, and the criminal proceedings and conviction that had followed, with the applicant alleging unlawfully obtained evidence.

Relying in particular on Article 8 (right to respect for private and family life) and Article 6 § 1 (right to a fair trial) of the Convention, the applicant complained, in particular, that the search of his home had lacked a legal basis on account of the absence of two attesting witnesses as provided by Article 119 § 4 of the Code of Criminal Procedure, and that his trial had been unfair owing to the use of unlawful and unreliable evidence.

Violation of Article 8

Violation of Article 6 § 1

Just satisfaction: EUR 10,000 for non-pecuniary damage and EUR 229 for costs and expenses.

İltümür Ozan and Others v. Turkey (no. 38949/09)*

This application was lodged by four applicants, all Turkish nationals who were born between 1960 and 1984. Three of them live in Istanbul and one in Bursa (Turkey).

The applicants in this case complained that they had been arrested after handing out tracts in Gaziosmanpaşa (a district of Istanbul), informing shopkeepers about a new social security bill and inviting them to a press conference on the matter. The events had taken place on 28 February 2008.

On 29 February 2008 the applicants filed a complaint against the police officers in question for ill-treatment and abuse of authority during their arrest and police custody. That complaint led to a discontinuance decision in May 2008.

Furthermore, the authorities commenced criminal proceedings against two of the applicants, accusing them of resisting arrest and injuring the police officers by throwing stones at them. The applicants were acquitted in December 2012.

The applicants relied in particular on Article 3 (prohibition of inhuman or degrading treatment) of the Convention.

Violation of Article 3 (investigation) in respect of Münevver İltümür Ozan

The Court declared the other applicants' complaints inadmissible.

Just satisfaction: EUR 3,000 for non-pecuniary damage to Münevver İltümür Ozan

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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.