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

Press Release
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Judgments of 22 March 2016

The European Court of Human Rights has today notified in writing 17 judgments[1]:

12 Chamber judgments are summarised below; for two others, in the cases of *Guberina v. Croatia (application no. 23682/13)* and *M. G. v. Turkey (no. 646/10)*, separate press releases have been issued;

three Committee judgments, which concern 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 (*).

Pereira Da Silva v. Portugal (application no. 77050/11)*

The applicant, Ilídio José Pereira da Silva, is a Portuguese national who was born in 1934 and lives in Matosinhos (Portugal).

The case concerned two sets of proceedings brought by Mr Pereira da Silva against a refusal to grant his claims for reimbursement of mission expenses incurred as a judge.

A retired judge (emeritus), Mr Pereira da Silva brought two actions, on 5 April and 5 May 1999 respectively, against two decisions by the President of the Supreme Administrative Court refusing him reimbursement of mission expenses, amounting to 750 euros. Mr Pereira da Silva challenged not only the decisions not to reimburse his costs, but also the jurisdiction of the President of the Supreme Administrative Court to rule on his reimbursement claims, and the fact that he had not been heard as part of the procedure. His claims were dismissed on 13 November 2002.

Mr Pereira da Silva subsequently made numerous applications for clarification and review, and also for declarations of nullity, to the Supreme Administrative Court; these were all dismissed. On 2 July 2008, considering that the applicant had abused this type of application in order to delay the proceedings and prevent the dismissal decision from becoming final, the Administrative Proceedings Division of the Supreme Administrative Court, in plenary session, imposed a fine of 1,440 euros for procedural bad faith. Mr Pereira da Silva appealed on points of law on several occasions and on different grounds, alleging, in particular, a lack of impartiality on the part of four judges of the plenary assembly of the Supreme Administrative Court. His appeals on points of law were dismissed.

On 14 June 2010 Mr Pereira da Silva lodged an appeal with the Constitutional Court concerning the impartiality of the plenary assembly of the Supreme Administrative Court, in that four of its judges had already ruled on his case within the plenary formation of that court's Administrative Proceedings Division. On 7 June 2011 the Constitutional Court dismissed Mr Pereira da Silva's claims that there had been a violation of the principle of the impartiality of courts and of his right to a fair hearing.

[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

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights, Mr Pereira da Silva alleged that there had been a breach of his right to an impartial court, arguing that four of the seven judges making up the plenary assembly of the Supreme Administrative Court had already examined his case in Administrative Proceedings Division of the same court. He also complained about the length of the proceedings.

Violation of Article 6 § 1 (right to an impartial tribunal)
No violation of Article 6 § 1 (length of proceedings)

Just satisfaction: The Court held that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage sustained by Mr Pereira da Silva.

Pinto Coelho v. Portugal (no. 48718/11)*

The applicant, Sofia Pinto Coelho, is a Portuguese national who was born in 1963 and lives in Lisbon (Portugal).

The case concerned the criminal-law fine imposed on Ms Pinto Coelho, a journalist, for having broadcast in a news report excerpts which included sound recordings from a court hearing, obtained without permission from the judge.

On 12 November 2005 the news programme on the Portuguese television channel SIC (*Sociedade Independente de Comunicação*), for which Ms Pinto Coelho worked as a journalist and legal affairs correspondent, broadcast a report prepared by her about the criminal conviction of an 18-year-old man for aggravated theft of a mobile phone. Defending the young man's innocence and alleging a judicial error, Ms Pinto Coelho backed up her argument with interviews with several of the jurists. She included in her report shots of the courtroom, extracts of sub-titled sound recordings and the questioning of prosecution and defence witnesses, in which their voices and those of the three judges were digitally altered. The excerpts were followed by Ms Pinto Coelho's commentary, in which she attempted to prove that the victims had not recognised the young man during the trial; indeed, he alleged that he had been at work at the time of the incident.

After this report was broadcast, the president of the division which had judged the case lodged a complaint with the public prosecutor against Ms Pinto Coelho, complaining that permission had not been given to broadcast extracts of the sound recording of the hearing and film shots of the courtroom. The prosecutor's office brought proceedings for non-compliance with a legal order against Ms Pinto Coelho and three managers of the 8 o'clock evening news programme, on the ground that the failure to obtain authorisation was in breach of the provisions of the Code of Criminal Procedure and of the Criminal Code. Before the court, Ms Pinto Coelho alleged an infringement of the freedom of the press, but in a judgment of 6 August 2008 she was convicted of non-compliance with a legal order and ordered to pay a fine of 1,500 euros; the court considered that the scenes from the hearing that had been broadcast were not essential for the report, that the freedom of the press was not absolute and that the applicant, a lawyer by training, had been aware that unauthorised transmission of the hearing was prohibited. This judgment was upheld by the Lisbon Court of Appeal on 26 May 2009. On 15 February 2011 the Constitutional Court dismissed an appeal by Ms Pinto Coelho.

Relying on Article 10 (freedom of expression) of the European Convention, Ms Pinto Coelho complained about her criminal conviction for non-authorised use of the recording of a court hearing.

Violation of Article 10

Just satisfaction: The Court held that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage sustained by Ms Pinto Coelho. It further awarded her 1,500 euros (EUR) in respect of pecuniary damage and EUR 4,623.84 in respect of costs and expenses.

Sousa Goucha v. Portugal (no. 70434/12)

The applicant, Manuel Luís Sousa Goucha, is a Portuguese national who was born in 1954 and lives in Fontanelas (Portugal). He is one of the best-known television hosts in Portugal, having worked in the media for almost 40 years.

The case concerned the Portuguese courts' decisions dismissing a defamation case Mr Sousa Goucha had brought against a television company. He notably alleged that the decisions had been discriminatory as they had been based on his homosexuality.

Following a joke made during the broadcast of a late-night comedy show in December 2009, Mr Sousa Goucha lodged a criminal complaint for defamation and insult against the State-owned television company, RTP, the production company, the television presenter and the directors of programming and content. Notably, Mr Sousa Goucha alleged that the joke, which had included him in a list of best female television hosts, damaged his reputation as it had mixed his gender with his sexual orientation. In April 2012 the Portuguese courts ultimately dismissed his claim for damages as ill-founded. They considered that for a reasonable person, the joke would not be perceived as defamation because it referred to Mr Sousa Goucha's characteristics, behaviour and way of expressing himself which could be seen as feminine. Furthermore, the courts, taking into account the playful and irreverent style of the show, considered that the defendants had not intended to criticise Mr Sousa Goucha's sexual orientation.

Relying in particular on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination), Mr Goucha Sousa complained that the domestic courts had based their decisions to dismiss his case on discriminatory grounds, namely his sexual orientation.

No violation of Article 8
No violation of Article 14 taken in conjunction with Article 8

Revision

Association of Victims of Romanian Judges and Others v. Romania (no. 47732/06)

The applicants in this case are Rodica Neagu, Virgil Radu, Valentin Turigioiu, C. Gheorghe Lupan, Viorica Alda, Eugen Neagu, Maria Nicolau, Domnica Turigioiu and Valerica Şugubete, nine Romanian nationals, and the Association of Victims of Romanian Judges.

The case concerned the request for revision of a judgment of the European Court of Human Rights with regard to the Romanian authorities' refusal to register the Association of Victims of Romanian Judges in the country's Register of Associations and Foundations. The Bucharest District Court first refused to register the association in November 2005, finding that registration would be unconstitutional. This was on the ground that the association's articles stated an intention to declare certain court rulings to be unfair; the court held that this would encourage non-compliance with court judgments and represent an attack on a State power. An appeal of the decision was dismissed in February 2006.

In its judgment of 14 January 2014 the Court found a violation of Article 11 (freedom of assembly and association) on account of the refusal of the Romanian authorities to carry out the registration. The Court awarded the applicants jointly 2,000 euros (EUR) in respect of pecuniary and non-pecuniary damage.

The Government now requested revision of the judgment of 14 January 2014, which had not yet been enforced because one of the applicants, Maria Nicolau, had died before the judgment had been adopted.

The Court decided to revise its judgment of 14 January 2014 and to strike the application out in so far as it concerned Maria Nicolau. It further awarded EUR 2,000 jointly to the eight remaining applicants in respect of non-pecuniary damage.

Boştină v. Romania (no. 612/13)*

The applicant, Cătălin Marius Boştină, is a Romanian national who was born in 1976 and lives in Curtea de Argeş (Romania).

The case concerned custody arrangements for Mr Boştină's son. The applicant, a lawyer by profession, alleged that the national authorities had failed to intervene to assist him in exercising his contact rights in respect of his underage child.

In January 2011 Mr Boştină's wife, also a lawyer by profession, applied for divorce and for parental responsibility in respect of their son, who was born in 2010. By a judgment of 17 June 2011, the court granted the divorce and assigned parental responsibility to the mother, awarding the father the right to visit the child's home on two Saturdays and two Sundays per month. Mr Boştină lodged an appeal with the county court, which allowed his claims in part, by assigning parental responsibility to both parents, holding that the child was to live with his mother and awarding Mr Boştină visiting rights in his own home on two Saturdays and two Sundays per month. The mother appealed against that decision and, by a final judgment of 18 June 2012, the court of appeal allowed her appeal and upheld the first-instance judgment.

In the meantime, an order issued on 27 June 2011 had required the mother to enable Mr Boştină to take his son to his own home, or elsewhere, on two Saturdays and two Sundays per month until such time as a final decision was delivered in the divorce proceedings.

At the close of the divorce proceedings, the court attached an order for enforcement to the judgment of 17 June 2011.

Mr Boştină lodged a number of criminal complaints against his former wife for refusal to execute both the order of 27 June 2011 and the final judgment of 18 June 2012. These complaints concerned 15 attempts to obtain enforcement in 2012 and 2013. The prosecutor's office committed the mother for trial before the court of appeal, which acquitted her on the ground that she had not acted with intent to alienate the child from his father, but that implementation of the visiting rights had been rendered impossible by objective reasons such as the child's sickness or his fear of seeing his father. Mr Boştină apparently lodged an appeal, and that appeal is apparently pending before the High Court of Cassation and Justice. On 20 March 2014 the prosecutor's office instituted criminal proceedings against the mother with regard to the other criminal complaints filed by Mr Boştină, for refusal to enable the child to see the father on six other occasions in 2013. The case is still pending before the prosecutor's office. Throughout the entire proceedings, Mr Boştină and his former wife have received psychological assistance from the County Department for Social Assistance and Child Protection.

Relying on Article 8 (right to respect for private and family life), Mr Boştină complained that he was unable to exercise his contact rights with his underage child.

No violation of Article 8

Elena Cojocaru v. Romania (no. 74114/12)

The applicant, Elena Cojocaru, is a Romanian national who was born in 1953 and lives in Roman (Romania).

The case concerned Ms Cojocaru's complaint about the death of her daughter and granddaughter due to medical malpractice.

Ms Cojocaru's daughter, who was eight months' pregnant, was admitted to hospital in Suceava on 8 October 2001 following her gynaecologist's diagnosis of imminent premature birth. She was transferred to intensive care when, suffering from pain in the lumbar region, her condition worsened. Another doctor, a university professor working in a clinic in Iaşi, then diagnosed her with Hellp syndrome (an exceptionally serious pre-natal condition), recommending an emergency C-section to save the mother's life. According to Ms Cojocaru, her daughter's doctor refused to perform the operation, but eventually agreed that she could be transferred to the clinic in Iaşi for surgery. Unaccompanied by a doctor, she was transferred by ambulance to the clinic, 150 km away, where the emergency C-section was carried out on 10 October 2001. Ms Cojocaru's daughter died ten minutes after the surgery from cardiac arrest; the newborn also died of cardiac arrest two days later.

The case was initially investigated by way of preliminary investigation measures and ended in decisions by the prosecuting authorities in July 2002 and May 2004 refusing to institute criminal proceedings. Those decisions found that Ms Cojocaru's daughter had not been the victim of any medical error, having died of natural causes, and that the Suceava hospital gynaecologist was not guilty of involuntary manslaughter. During the investigation a review commission also suggested that Ms Cojocaru's daughter had been transferred to Iaşi clinic, with the agreement of her gynaecologist, because of the lack of facilities at Suceava hospital to treat her.

In March 2010 these prosecuting authorities' decisions were quashed by the national courts and the opening of criminal proceedings against the Suceava hospital gynaecologist was ordered. The courts observed a number of shortcomings in the investigation, notably that the investigation authorities had failed to produce a forensic expert report, an essential piece of evidence in cases of suspected medical negligence. They also noted that essential aspects of the case had not been clarified, such as: the cause of death; whether the Suceava hospital gynaecologist had failed to fulfil his professional responsibilities by refusing to carry out emergency surgery in order to save his patient's life; and why Ms Cojocaru's daughter had been unaccompanied by a doctor during her transfer by ambulance.

However, the criminal investigation was subsequently closed on the ground that the gynaecologist's criminal liability had become time-barred. This decision was upheld by the courts in a final judgment of June 2012 and Ms Cojocaru's action was dismissed as ill-founded. Her appeal on points of law was dismissed in September 2012.

Relying in particular on Article 2 (right to life), Ms Cojocaru alleged that the Suceava hospital had been responsible for her daughter's and granddaughter's deaths following the medical malpractice of one of their gynaecologists. She also alleged that the ensuing investigation into the deaths, having lasted ten years, had been ineffective and superficial.

Violation of Article 2

Just satisfaction: EUR 39,000 (non-pecuniary damage) and EUR 76 (costs and expenses)

Gomoi v. Romania (no. 42720/10)*

The applicant, Adrian Mircia Gomoi, is a Romanian national who was born in 1975 and lives in Sântana (Romania).

The case concerned Mr Gomoi's conditions of detention in Arad police station and Arad Prison.

In 2010 criminal proceedings were instigated against Mr Gomoi for tax fraud. He was remanded in detention at the Arad police station from 10 May to 8 June 2010, and then transferred to Arad Prison, where he was held until 14 December 2010, the date of his release.

According to Mr Gomoi, in the Arad police station he was placed in a cell measuring 12m^2; it had no toilet facilities, and the detainees were obliged to relieve themselves in a bucket, as they were allowed to use the toilets only twice per day, at 6 a.m. and 6 p.m. He alleges, among other points, that he did not receive any products for personal hygiene, that the food was of poor quality and that he had access to a shower only twice per week.

In Arad Prison, he was allegedly held in a cell measuring 16 m^{2,} infested with fleas and cockroaches and containing six bunk beds for five persons. He was transferred from prison to court in police vans which held 40 persons and had only two small windows; it was impossible to breathe in them.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Gomoi complained about his conditions of detention in Arad police station and Arad Prison.

Violation of Article 3 – on account of Mr Gomoi's detention in Arad police station

Just satisfaction: EUR 2,700 (non-pecuniary damage)

Ulisei Grosu v. Romania (no. 60113/12)*

The applicant, Ulisei Grosu, is a Romanian national who was born in 1958 and lives in Focşani (Romania).

The case concerned Mr Grosu's removal from the Focşani Cultural Centre, where he had been waiting for a representative of a political party so that he could speak with him, and his transfer by the police to a psychiatric hospital.

On 11 December 2010 Mr Grosu went to the entry hall of the Focşani Cultural Centre in order to speak with a representative of a political party. While he was waiting, he was arrested by police officers who asked him to produce his invitation and identity papers. As he had neither an invitation nor his identity papers with him, he was taken to the police station, where one of the police officers checked his identity while Mr Grosu waited in the car with another officer, and was then driven to the psychiatric hospital. The report prepared by one of the officers who accompanied him to the hospital stated that Mr Grosu was arrested in the Cultural Centre and taken to the psychiatric hospital after having claimed that he wished to plant a bomb in the centre. As the duty doctor did not consider it necessary to admit him to hospital, Mr Grosu was authorised to leave after having written "refuses to be admitted" in the hospital's admissions book.

Considering that he had been unlawfully deprived of his liberty on 11 December 2010, Mr Grosu lodged a complaint on 21 February 2011 against the police officers and a leader of the political party, who, in his view, had given the order to evacuate the building while the event was going on, as he feared that Mr Grosu would mention new complaints in respect of various abuses of power by representatives of the political party, described by the applicant in a petition that he had previously sent to members of parliament in his county.

By a decision of 10 June 2011, the prosecutor's office held that there was no case to answer, holding that it had been correct to take Mr Grosu to the psychiatric hospital. However, Mr Grosu challenged that decision before the county court, which granted his claim, noting in particular that the prosecutor's office had not established the grounds on which he had been removed from the Cultural Centre and taken to the psychiatric hospital. On 30 December 2001 the prosecutor's office again held that there was no case to answer, a decision confirmed by the hierarchical superior and subsequently by the county court, sitting as a different bench, on 26 March 2012.

Relying in particular on Article 5 § 1 (right to liberty and security), Mr Grosu complained that he had been unlawfully deprived of his liberty on 11 December 2010 by the police officers who had driven him to the Focşani psychiatric hospital with a view to his involuntary confinement.

Violation of Article 5 § 1

Just satisfaction: EUR 4,500 (non-pecuniary damage)

Butrin v. Russia (no. 16179/14)

The applicant, Sergey Butrin, is a Russian national who was born in 1949 in the Khabarovsk Region (Russia). He is serving a 19-year prison sentence in a correctional colony in the village of Kochubeyevskoe, Stavropol Region (Russia), for aggravated murder, robbery and possession of firearms.

The case concerned Mr Butrin's allegation that the conditions of his detention in the correctional facility where he had been serving his sentence since February 2010 were unsuitable for him because he was blind. His blindness developed during his detention due to cataracts. He notably complained of overcrowding, submitting that each of the 46 inmates in the dormitory where he is being held only has 2.82 square metres of living space. He alleged that he faced particular difficulties in orientating himself in the colony and, as he had no prison work, was confined to the dormitory most of the time. Another inmate had been assigned to assist him (to move about and take showers) but, after this inmate's release in September 2014, he had been left to fend for himself.

In April 2013 Mr Butrin lodged an application with the domestic courts for release on health grounds. He relied on the conclusions of a medical commission that he could be relieved from serving his sentence on account of his blindness. His application was however dismissed. The courts considered that, given the gravity of his crimes and the length of the prison term he still had to serve, he should remain in the correctional colony. Ultimately in July 2014 the Supreme Court of Russia rejected his cassation appeal as it found that Mr Butrin had failed to lodge the appeal within the time-limit.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), Mr Butrin alleged that, in view of his disability, his detention was inhuman and degrading and that he did not have an effective domestic remedy for his grievances.

Violation of Article 3 (inhuman and degrading treatment)
Violation of Article 13

Just satisfaction: EUR 15,000 (non-pecuniary damage)

Kolesnikovich v. Russia (no. 44694/13)
Litvinov v. Russia (no. 32863/13)

Both cases concerned allegations of inadequate medical care in detention.

The applicants are Vladimir Kolesnikovich and Sergey Litvinov, two Russian nationals who were born in 1978 and 1964. Until their arrests, they lived in Krasnoyarsk and St Petersburg (Russia), respectively.

They are both currently serving sentences in correctional colonies following their convictions for a number of serious offences. Notably, Mr Kolesnikovich was found guilty of aggravated kidnapping, murder, fraud and conspiracy in December 2007 and sentenced to 24 years and 11 months' imprisonment; and, Mr Litvinov was found guilty of aggravated kidnapping and extortion in June 2012 and sentenced to nine years' imprisonment.

Both men had histories of illness before their arrests: Mr Kolesnikovich from problems with an ulcer as well as brain and spinal injuries; and Mr Litvinov from heart and kidney diseases.

Mr Kolesnikovich alleged that his health had deteriorated in detention, in particular because of the failure to provide him with the medication he had been prescribed with for treating his illnesses, it being left to his mother to send the drugs recommended by doctors. He also submitted, more

generally, that the prison doctors had merely provided symptomatic treatment to him and had failed to adopt a long-term therapeutic strategy. According to the Government, Mr Kolesnikovich had had regular medical check-ups in detention and had been seen by prison doctors and admitted to hospital when necessary.

Mr Litvinov also alleged that on several occasions he had not been given some of the drugs prescribed to him. He further complained that his first prescribed coronary angiography examination had been significantly delayed, as had been his recommended heart surgery, the installation of a coronary stent eventually being installed in January 2014. Moreover, he claimed that his frequent transfers between medical and detention facilities had run counter to doctors' recommendations. The Government argued that Mr Litvinov had been provided with drug therapy, but had refused on several occasions to take his prescribed medication. Furthermore, he had been monitored by medical specialists, including cardiologists and nephrologists, and had been allowed to consult independent medical consultants whose opinions had been taken into account by prison doctors. Lastly, he had had regular medical examinations and tests while in detention, including coronary angiographies.

Mr Kolesnikovich filed a complaint against the prison administration concerning his medical care in detention, which was dismissed by the courts in October 2013. Mr Litvinov's wife complained in April 2013 to various authorities of the failure to properly diagnose and treat her husband; she received no response.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy), both applicants complained that the authorities had not taken steps to safeguard their health and well-being and that they had not had effective avenues through which to complain about the inadequacy of their medical care in detention.

Violation of Article 13 – in both cases
Violation of Article 3 (inhuman and degrading treatment) – in respect of Mr Kolesnikovich
No violation of Article 3 – in respect of Mr Litvinov

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 1,090 (costs and expenses) to Mr Kolesnikovich. The Court further dismissed the claim of Mr Litvinov for just satisfaction.

Kars and Others v. Turkey (no. 66568/09)*

The 22 applicants are Turkish nationals.

The case concerned an operation conducted by security forces in Bayrampaşa Prison on account of hunger strikes and a death fast begun by the prisoners, including the applicants, and its consequences.

Throughout the year 2000 prisoners in various Turkish prisons, including Bayrampaşa Prison, began hunger strikes and death fasts to protest against the introduction of "F-type" prisons, which provided for smaller living units for prisoners. In spite of attempts by various interlocutors, the prisoners refused to end the death fasts; they also refused to be examined by doctors sent by the Medical Council, who noted alarming weight loss in the prisoners and deterioration in their heath, which could affect their vital functions and entail their deaths within a few days.

On 18 December 2000 the governor of Bayrampaşa Prison submitted for the prosecutor's approval a request for intervention by the security forces, in order to provide the necessary treatment and prevent the deaths. On 19 December 2000 the security forces intervened in the prison, but they were met with resistance from certain prisoners, carrying firearms and inflammable products. The operation gave rise to violent confrontations; 12 prisoners were killed and about 50 prisoners were injured, including the applicants.

On 20 April 2010 39 gendarmes were charged; their trial, opened before the Bakırköy Assize Court, has apparently not yet ended. On 16 July 2001, the State prosecutor also charged 155 members of the prison staff, on the ground that they had allowed firearms to be brought into the prison, and 1,460 gendarmes who had evacuated the prisoners at the close of the operation, accusing them of ill-treating the prisoners during their evacuation. On 23 June 2008 the criminal court declared that the prosecution of the gendarmes and the prison staff was time-barred, in two separate judgments.

On 27 February 2001 criminal proceedings were brought against 167 prisoners on a charge of rebellion. Those proceedings were also declared time-barred in a decision issued by the Eyüp Criminal Court on 28 April 2009, upheld by the Court of Cassation.

Relying in particular on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment), the applicants notably alleged an excessive and disproportionate use of force by the authorities during the operation conducted in Bayrampaşa Prison. Relying further on Article 6 (right to a fair trial), they complained that the proceedings brought against them for rebellion had been unfair and excessively long.

Violation of Article 2 – in respect of Birsen Kars, Mehmet Kulaksız, Serdal Karaçelik and Hakkı Akça
Violation of Article 3 – in respect of Münire Demirel, Gülizar Kesici, Nursel Demirdöğücü, Mesude Pehlivan and Filiz Gençer
Violation of Article 6 (length) – in respect of Ercan Kartal, Şadi Naci Özpolat, Kenan Günyel, Serdal Karaçelik, Nursel Demirdöğücü, Mehmet Güvel, Filiz Gençer, Mehmet Kulaksız, Mesude Pehlivan and Münire Demirel

Just satisfaction: EUR 20,000 to Birsen Kars, EUR 16,500 each to Mehmet Kulaksız and Serdal Karaçelik, EUR 12,000 to Hakkı Akça, EUR 11,000 to Münire Demirel, EUR 10,000 to Gülizar Kesici, EUR 9,000 each to Nursel Demirdöğücü, Mesude Pehlivan and Filiz Gençer, and EUR 5,000 each to Ercan Kartal, Şadi Naci Özpolat, Kenan Günyel and Mehmet Güvel in respect of non-pecuniary damage; and EUR 4,000 jointly to Birsen Kars, Mehmet Kulaksız, Serdal Karaçelik, Hakkı Akça, Münire Demirel, Gülizar Kesici, Nursel Demirdöğücü, Mesude Pehlivan, Filiz Gençer, Ercan Kartal, Şadi Naci Özpolat, Kenan Günyel and Mehmet Güvel in respect of costs and expenses.

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