



Cases referred to the Grand Chamber

Three cases have been referred to the Grand Chamber of the European Court of Human Rights.

At its last meeting (22 November 2010), the Grand Chamber panel of five judges decided to refer three cases – **Sitaropoulos and Others v. Greece**, **Creangă v. Romania** and **Aksu v. Turkey** – and to reject requests to refer 38 other cases¹.

Referrals accepted

[Sitaropoulos and Others v. Greece \(no. 42202/07\)](#)

The applicants, Nikolaos Sitaropoulos and Christos Giakoumopoulos, are Greek nationals who were born in 1967 and 1958 respectively and live in Strasbourg. They are officials of the Council of Europe. During the 2007 parliamentary elections in Greece, they were unable to exercise their right to vote because no rules existed governing the exercise of that right by Greek voters living abroad. They relied on Article 3 of Protocol No. 1 (right to free elections).

In its [judgment of 8 July 2010](#) the Court held that there had been a violation of Article 3 of Protocol No. 1, taking the view that the absence for over three decades of effective measures to enable the applicants to exercise their right to vote in national elections from their place of residence had breached the right to free elections.

On 22 November 2010 the case was referred to the Grand Chamber at the request of the Greek Government.

[Creangă v. Romania \(no. 29226/03\)](#)

The applicant, Sorin Creangă, is a Romanian national who was born in 1956 and lives in Bucharest. He was a junior police officer in Bucharest at the relevant time. He was placed in pre-trial detention in July 2003 on suspicion of taking bribes, aiding and abetting aggravated theft and criminal conspiracy. Relying on Article 5 § 1 (right to liberty and security), he argued that his detention during the criminal proceedings against him had been unlawful.

In its [judgment of 15 June 2010](#) the Court held that there had been a twofold violation of Article 5 § 1, on the grounds that the applicant's deprivation of liberty from 10 a.m. to 10 p.m. on 16 July 2003 and his placement in pre-trial detention on 25 July 2003 had no basis in domestic law. The Court further held that there had been no violation of Article 5 § 1 (c), finding that the applicant's pre-trial detention from 10 p.m. on 16 July 2003 until 10 p.m. on 18 July 2003 had been justified as the public prosecutor

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

had indicated that, given the fact that the applicant was a police officer, he could have influenced certain persons due to be questioned during the investigation.

On 22 November 2010 the case was referred to the Grand Chamber at the request of the Romanian Government.

[Aksu v. Turkey \(no.s 4149/04 and 41029/04\)](#)

The applicant, Mustafa Aksu, is a Turkish national who was born in 1931 and lives in Ankara. He is of Roma origin and alleged that two government-funded publications included remarks and expressions that reflected anti-Roma sentiment. Mr Aksu complained that a book published by the Ministry of Culture contained passages that humiliated Gypsies, depicting them as engaging in criminal activities. He also complained that certain entries in a dictionary intended for schools and funded by the same Ministry were insulting and discriminatory.

In its [judgment of 27 July 2010](#) the Court held that there had been no violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 8 (right to respect for private and family life), since it could not be said that Mr Aksu had been discriminated against on account of his ethnic identity as a Roma, or that the authorities had failed to take the necessary measures to secure respect for his private life. It considered in particular that the book, which had to be seen as a whole, was an academic study focusing on the history and socio-economic living conditions of the Roma people in Turkey. As to the dictionary, the Court observed that the expressions and definitions in question had been prefaced with the comment that they were of a metaphorical nature.

On 22 November 2010 the case was referred to the Grand Chamber at the applicant's request.

Requests for referral rejected

Judgments in the following 38 cases are now final²

Puto and others v. Albania (no. 609/07), judgment of 20 July 2010;

Schalk and Kopf v. Austria (no. 30141/04), judgment of 24 June 2010
See [press release of 30.11.2010](#);

Patrikova v. Bulgaria (no. 71835/01), judgment of 4 March 2010;

Tilev v. Bulgaria (no. 25051/02), judgment of 27 May 2010;

Mancel and Branquart v. France (no. 22349/06), judgment of 24 June 2010;

Moretti and Benedetti v. Italy (no. 16318/07), judgment of 27 April 2010;

Von Koester v. Germany (no. 40009/04), judgment of 7 January 2010;

Bakowska v. Poland (no. 33539/02), judgment of 12 January 2010;

Biełaj v. Poland (no. 43643/04), judgment of 27 April 2010;

Grzelak v. Poland (no. 7710/02), judgment of 15 June 2010;

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

Paweł Gładkowski v. Poland (no. 24216/06), judgment of 29 June 2010;

Janusz Leszek Kozłowski v. Poland (no. 47611/07), judgment of 8 June 2010;

Almeida Santos v. Portugal (no. 50812/06), judgment of 27 July 2010;

Dimakos v. Romania (no. 10675/03), judgment of 6 July 2010;

Gavriliță v. Romania (no. 10921/03), judgment of 22 June 2010;

Ion Popescu v. Romania (no. 6332/04), judgment of 27 July 2010;

Postolache v. Romania (no. 2) (no. 48269/08), judgment of 6 July 2010;

Abdulazhon Isakov v. Russia (no. 14049/08), judgment of 8 July 2010;

Akhmatkhanov v. Russia (no. 20147/07), judgment of 22 July 2010;

Batayev and others v. Russia (no.s 11354/05 and 32952/06), judgment of 17 June 2010;

Benuyeva and others v. Russia (no. 8347/05), judgment of 22 July 2010;

Gelayevy v. Russia (no. 20216/07), judgment of 15 July 2010;

Jehovah's Witnesses of Moscow and others v. Russia (no. 302/02), judgment of 10 June 2010;

Kolesnik v. Russia (no. 26876/08), judgment of 17 June 2010;

Nikiforov v. Russia (no. 42837/04), judgment of 1 July 2010;

Sherstobitov v. Russia (no. 16266/03), judgment of 10 June 2010;

Vladimir Krivonosov v. Russia (no. 7772/04), judgment of 15 July 2010;

Yuldashev v. Russia (no. 1248/09), judgment of 8 July 2010;

Ahmadpour v. Turkey (no. 12717/08), judgment of 15 June 2010;

Alipour and Hosseinzadgan v. Turkey (no.s 6909/08, 12792/08 and 28960/08), judgment of 13 July 2010;

Alkes v. Turkey (no. 16047/04), judgment of 8 June 2010;

Biçici v. Turkey (no. 30357/05), judgment of 27 May 2010;

Sevgül Altıparmak v. Turkey (no. 27023/06), judgment of 20 July 2010;

Solomonides v. Turkey (no. 16161/90), judgment of 27 July 2010;

Sophia Andreou v. Turkey, Michael v. Turkey, Ioannou v. Turkey, Evagorou Christou v. Turkey, Economou v. Turkey, Nicolaides v. Turkey, Kyriakou v. Turkey, Orphanides v. Turkey and Gavriel v. Turkey (no.s 18360/91, 18361/91, 18364/91, 18403/91, 18405/91, 18406/91, 18407/91, 36705/97 and 41355/98) – judgment of 22 June 2010;

Palamarchuk v. Ukraine (no. 28585/04), judgment of 15 July 2010;

Yushchenko and others v. Ukraine (no.s 73990/01, 7364/02, 15185/02 and 11117/05), judgment of 15 July 2010;

Clift v. the United Kingdom (no. 7205/07), judgment of 13 July 2010;

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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.