



Judgments concerning Finland, Italy, the Republic of Moldova, Romania, Switzerland and Turkey

The European Court of Human Rights has today notified in writing the following nine Chamber judgments¹, none of which is final. The judgments in French are indicated with an asterisk (*).

The Court has also delivered today a judgment in the case of D.F. v. Latvia (application no. 11160/07), for which a separate press release has been issued.

Ristamäki and Korvola v. Finland (application no. 66456/09)

The applicants, Juha Ristamäki and Ari Korvola, are two Finnish nationals who were born in 1969 and 1953 and live in Espoo (Finland) and Helsinki, respectively. They both work for a Finnish broadcasting company, where Mr Ristamäki is an editor and Mr Korvola is his immediate superior. The case concerned their conviction and liability for defamation. In February 2006 the company aired a programme about investigations into economic crimes. During the broadcast it was mentioned that in the course of their investigations the police wanted to know whether a sports centre had been funded by K.U., a well-known Finnish businessman. In December 2007 Mr Ristamäki and Mr Korvola were charged with defamation by a public prosecutor, and K.U. claimed compensation for defamation in the same proceedings. The applicants contested the charge and the claim on the grounds that all of the information in the programme had been correct. However, they were convicted of defamation in May 2008 and ordered to pay K.U. 1,800 euros (EUR) in compensation and EUR 1,500 in costs. After one unsuccessful appeal the Finnish Supreme Court refused the applicants leave for a second appeal in December 2009. Relying on Article 10 (freedom of expression) of the European Convention on Human Rights, Mr Ristamäki and Mr Korvola complained about the Finnish courts' judgments against them.

Violation of Article 10

Just satisfaction: 1,910 euros (EUR) to Mr Ristamäki and EUR 2,330 to Mr Korvola (pecuniary damage), and EUR 3,500 to the applicants jointly (costs and expenses)

Varvara v. Italy (no. 17475/09)*

The applicant, Vincenzo Varvara, is an Italian national who was born in 1943 and lives in Gravina di Puglia. The case concerned planning permission granted by the Cassano delle Murge municipal authorities in 1984 to develop land near a forest, then withdrawn following the enactment of two laws and the presentation of a variation on the project by Mr Varvara in 1993. Proceedings were brought against him for unlawful land development, following which his land and buildings were confiscated, even though the proceedings against him were dropped. Relying in particular on Article 7 (no punishment without law) of the Convention, Mr Varvara complained that his property had been confiscated illegally and that he had been punished without having been found guilty of any

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

offence. Under Article 1 of Protocol No. 1 (protection of property), he complained that the confiscation had been illegal and disproportionate.

Violation of Article 7

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 10,000 (non-pecuniary damage). As regards pecuniary damage, the Court held that the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision and reserved it.

Feodorov v. the Republic of Moldova (no. 42434/06)*

The applicant, Sergiu Feodorov, is a Moldovan national who was born in 1981 and lived in Chişinău. He died in October 2008 and his aunt decided to pursue the application on his behalf. The case concerned ill-treatment allegedly inflicted on Mr Feodorov and his cousin at a police station, where they had been taken following a night-time street scuffle with three people who claimed that Mr Feodorov and his cousin had attacked and robbed them. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Mr Feodorov complained that the police had inflicted ill-treatment on him at Buiucani police station and that no effective investigation had been made into his allegations. He also alleged a violation of Article 34 (right to individual application).

No violation of Article 34

Violation of Article 3 (investigation)

No violation of Article 3 (ill-treatment)

Just satisfaction: EUR 5,000 (non-pecuniary damage) and EUR 650 (costs and expenses)

Anderco v. Romania (no. 3910/04)*

The applicant, Horea Ştefan Sergiu Anderco, is a Romanian national who was born in 1956 and lives in Satu Mare (Romania). The case concerned the duration of his pre-trial detention and the domestic courts' supervision of the lawfulness of his detention. Mr Anderco was mayor of Satu Mare at the time. In November 2002 the anticorruption authorities brought proceedings against him. He was charged with accepting bribes and abuse of office, and remanded in custody for an initial period of 30 days. His detention was subsequently extended several times. Relying in particular on Articles 5 § 3 (right to liberty and security) and 5 § 4 (right to have lawfulness of detention decided speedily by a court), Mr Anderco complained: that the prosecuting authorities and the courts had given stereotyped reasons to justify his pre-trial detention; that the courts had not responded rapidly enough to his appeal against the order to place him in detention; and, that his defence rights had been violated.

Violation of Article 5 § 3

Violation of Article 5 § 4 – the courts having not responded rapidly enough to the applicant's appeal against the order to place him in pre-trial detention

Violation of Article 5 § 4 – in respect of the absence of the applicant and lawyers chosen by him at a hearing in July 2003 concerning the extension of the applicant's detention

Just satisfaction: The applicant did not make any claim in respect of pecuniary or non-pecuniary damage. The Court awarded him EUR 60 in respect of costs and expenses.

Hogea v. Romania (no. 31912/04)*

The applicant, Petrica Hogea, is a Romanian national who was born in 1969 and lives in Râsnov (Romania). In connection with the privatisation of a commercial company Mr Hogea was suspected of having entered into unlawful agreements with other participants in the call for tenders, in order

to acquire the company for the lowest possible price. The case concerned Mr Hoge's conviction by the Court of Appeal without him having been heard and without the evidence that had led the lower courts to acquit him having been adduced. Relying on Article 6 § 1 (right to a fair trial), Mr Hoge complained that he had not been given a fair trial.

Violation of Article 6 § 1

Just satisfaction: EUR 3,000 (non-pecuniary damage)

S.C. IMH Suceava S.R.L. v. Romania (no. 24935/04)*

The applicant, S.C. IMH Suceava S.R.L., is a Romanian company which, among other activities, ran a petrol station. The case concerned a disputed fine imposed on the company and the confiscation of its property. Relying on Article 6 § 1 (right to a fair trial) the company complained of a violation of its right to a fair trial because in examining its appeal in the case brought against it by the Financial Crimes Department the courts had made a different interpretation of evidence they had already examined in its appeal against the penalty imposed by the Suceava Consumer Protection Office.

Violation of Article 6 § 1

Just satisfaction: The Court rejected the applicant's claim for just satisfaction.

Bolech v. Switzerland (no. 30138/12)*

The applicant, Vedran Bolech, has dual Swiss and Croatian nationality and is currently in detention in Zurich. In September 2011 Mr Bolech, who works as an anaesthetist, was arrested by the police on suspicion of having sexually assaulted several women incapable of defending themselves because they were still under the effects of anaesthetics in the recovery room following surgery. Relying in particular on Article 5 (right to liberty and security), Mr Bolech alleged that he had been incarcerated because of the risk of his absconding to Croatia. He also complained that the Federal Court had not considered any alternative to detention, such as an electronic bracelet.

No violation of Article 5 § 1

Repetitive cases

The following cases raised issues which had already been submitted to the Court.

Just satisfaction

Agurdino S.R.L. v. the Republic of Moldova (no. 7359/06)

The applicant company, Agurdino S.R.L., complained about the quashing of a final judgment in its favour concerning the payment of value-added tax. In its principal judgment of 27 September 2011, the Court held that there had been a breach of Article 6 § 1 (right to a fair trial) and of Article 1 of Protocol No. 1 (protection of property). Today's judgment concerned the question of just satisfaction (Article 41 of the Convention).

Just satisfaction: EUR 4,400 (pecuniary and non-pecuniary damage) and EUR 1,700 (costs and expenses)

Öner Aktaş v. Turkey (no. 59860/10)*

This case mainly concerned the excessive length of detention pending trial. The applicant relied in particular on Article 5 § 3 (right to liberty and security).

Violation of Article 5 § 3

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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.