



## Judgments concerning Austria, Greece, and Sweden

The European Court of Human Rights has today notified in writing the following four Chamber judgments<sup>1</sup>, none of which is final. The judgments in French are indicated with an asterisk (\*).

*The Court has also delivered today its judgment in the case of Karimov v. Azerbaijan (no. 12535/06), for which a separate press release has been issued.*

### Just Satisfaction

#### Klein v. Austria (application no. 57028/00)

The applicant, Anton Klein, is an Austrian national who was born in 1932 and lives in Vienna. The case concerned his complaint that the Vienna Chamber of Lawyers refused to grant him an old-age pension, even though he had paid contributions to its pension fund throughout his career as a lawyer. The refusal was based on the grounds that, having gone bankrupt, he had lost his right to practice as well as his membership of the Chamber. He relied in particular on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights.

In its [principal judgment](#) of 3 March 2011 the Court held that there had been a violation of Article 1 of Protocol No. 1. It found in particular that, by completely depriving Mr Klein of all of his entitlements to a pension, after he had contributed to the compulsory pension scheme during his entire career both individually and collectively (when he provided mandatory services in the context of legal aid), a fair balance had not been struck between the demands of the public interest and the protection of Mr Klein's individual rights.

Today's judgment concerned the question of just satisfaction (Article 41 of the Convention).

**Just satisfaction:** 420,701.41 euros (EUR) (pecuniary damage), EUR 10,000 (non-pecuniary damage), and EUR 10,000 (costs and expenses)

#### Logothetis and Others v. Greece (no. 740/13)\*

The 16 applicants are Greek, Romanian, Ukrainian, Turkish and United States nationals. They were detained or continue to be detained in Nafplio Prison, serving a variety of custodial sentences.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicants complained about their conditions of detention, and especially of overcrowding in the facility.

**Violation of Article 3** – on account of the lack of sufficient personal space for the applicants

**Just satisfaction:** The Court awarded each of the 16 applicants a sum of between EUR 5,000 and EUR 15,000 in respect of non-pecuniary damage, and EUR 2,000 to the applicants jointly in respect of costs and expenses.

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

## Viaropoulou and Others v. Greece (nos. 570/11 and 737/11)\*

The applicants, Ms Eleni Viaropoulou, Ms Eirini Viaropoulou, Mr Panayotis Viaropoulos, Mr Lambros Viaropoulos and Ms Eleni Malama, are Greek nationals who were born in 1952, 1988, 1984, 1958 and 1943 respectively and live in Athens.

The case concerned the fixing of the rate of default interest payable by the State. In January 2001 the Ministers of the Economy, Culture and Sport decided to expropriate an area of land in Galatsi measuring 91,101 sq. m, part of which belonged to the applicants, with a view to constructing a stadium for the 2004 Olympic Games.

In connection with the payment of compensation for expropriation, the applicants alleged that the 6% rate of default interest payable by the State had reduced the value of their claims and had been in breach of Article 1 of Protocol No. 1 (protection of property).

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

## Karin Andersson and Others v. Sweden (no. 29878/09)

The applicants are 18 Swedish nationals who all own property close to Umeå in northern Sweden. Their case concerned the construction of a railway on or close to their properties.

On 12 June 2003 the Government issued a decision permitting the construction of a 10 km long railway on or close to the applicants' properties. Three of the applicants petitioned the Supreme Administrative Court for a judicial review of the case, claiming that the decision contradicted Swedish law on nature conservation as well as the applicable European law, Umeå being situated near a Natura 2000 area, the European network of nature protection areas. On 1 December 2004 the Supreme Administrative Court dismissed the petitions for judicial review. The petitioners were denied standing in the proceedings as the court considered that they could have a judicial review of the decision to adopt the railway plan at a later date. In the subsequent proceedings, however, the courts, including the Supreme Administrative Court on 10 December 2008, found that they were bound by the Government's decision of June 2003 and accordingly did not examine any issues that had been determined by that decision.

Relying in particular on Article 6 § 1 (right to a fair trial), the applicants notably complained that they had been refused a full legal review of the Government's decision to permit the construction of the railway on or near their properties.

### **Violation of Article 6 § 1**

**Just satisfaction:** EUR 20,000 to the applicants jointly in respect of costs and expenses

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_Press](https://twitter.com/ECHR_Press).

### **Press contacts**

[echrpess@echr.coe.int](mailto:echrpess@echr.coe.int) | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

Nina Salomon (tel: + 33 3 90 21 49 79)

Denis Lambert (tel: + 33 3 90 21 41 09)

**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.