



Judgments of 17 March 2015

The European Court of Human Rights has today notified in writing 16 judgments¹:

six Chamber judgments are summarised below;

one Chamber judgment and nine Committee judgments can be consulted on [Hudoc](#); they do not appear in this press release.

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

Stefan Stankov v. Bulgaria (application no. 25820/07)*

The applicant, Stefan Stankov, is a Bulgarian national who was born in 1958 and lives in Rusokastro.

The case concerned Mr Stankov's legal incapacitation and his subsequent placement by his mother, as his guardian, in a social care home for people with mental disorders.

On 21 May 1999 a court declared Mr Stankov to be partially incapacitated on the grounds that he suffered from schizophrenia, which had led to a change in personality and deprived him of the ability to manage his own affairs and interests. Mr Stankov's mother was appointed as his guardian. On 22 June 1999 she asked the social services to take her son into care. On 30 June 1999 Mr Stankov was admitted to the Dragash Voivoda home for men with mental disorders, an institution under the responsibility of the Ministry of Labour and Social Policy. On 26 September 2002 he was transferred to the Rusokastro home for adults with a mental deficiency, which was under the responsibility of the same Ministry. In June 2006 Mr Stankov, through his lawyer, asked the public prosecutor's office to apply to the Regional Court to have his legal capacity restored on the grounds that his condition allowed him to manage his own interests. The prosecutor refused to institute proceedings for restoration of his legal capacity.

Mr Stankov submitted in particular that his placement in a social care home was in breach of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights. Relying on Article 5 § 4 (right to speedy review of the lawfulness of detention), he complained that he had been unable to have the lawfulness of his placement in the home reviewed by a court. Relying on Article 5 § 5 (right to compensation), he submitted that he had not been entitled to compensation for the alleged violations of his rights. Relying on Article 3 (prohibition of inhuman or degrading treatment) read separately and in conjunction with Article 13 (right to an effective remedy), he complained in particular about the living conditions in both the homes in which he had been placed.

Violation of Article 5 § 1

Violation of Article 5 § 4

Violation of Article 5 § 5

Violation of Article 6 § 1

Violation of Article 3 (degrading treatment)

Violation of Article 13 in conjunction with Article 3

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

Just satisfaction: 15,500 euros (EUR) (non-pecuniary damage) and EUR 6,000 (costs and expenses)

Chinez v. Romania (no. 2040/12)

The applicants, Mihai, Marius-Romeo and Ionuț Ludovic Chinez, are Romanian nationals who were born in 1986, 1987 and 1985 respectively and live in Bucharest. They are brothers. Their case concerned an incident in which all three brothers claimed to have been attacked by a group of taxi drivers, forcibly detained by the police and two of the brothers ill-treated by the police whilst in detention.

Late one night in March 2008 the three brothers and their parents hailed a taxi in the street because they wanted to go to the local police station to report a crime. The taxi driver stopped but refused to take them and an argument ensued. The taxi driver was joined by other drivers from his firm and two police officers patrolling the area stopped when they noticed the group. They were subsequently joined by three more police units. The argument escalated into a fight. The police allege that they were attacked by the brothers and their father. The police took the three brothers to the police station. Two of the brothers allege that they were beaten by the police at the police station, one of whom had to be taken by ambulance to hospital where he remained for two days. The two brothers who remained at the police station were questioned and released the following afternoon when their lawyer arrived.

In July 2008 the three brothers brought criminal proceedings against the police officers who they claimed had subjected them to abusive behaviour, unlawful arrest and misconduct. In June 2011 the Prosecutor's Office of the Bucharest Court of Appeal dismissed the complaint about police misconduct at the police station, a decision upheld on appeal, but decided to continue investigating the police officers who had been at the scene of the argument on the street. This investigation is pending.

Relying in substance on Article 3 (prohibition of inhuman or degrading treatment), the brothers complained in particular that they had been subjected to ill-treatment by the police officers as well as the taxi drivers in 2008, and that there had been neither effective investigation nor a fair trial in relation to their complaints.

Violation of Article 3 (investigation)

No violation of Article 3 (treatment)

Just satisfaction: EUR 7,500 (non-pecuniary damage) and EUR 200 (costs and expenses)

Dobre and Others v. Romania (no. 34160/09)*

The applicants, Petre Dobre, Stela Ioțcovci, Rădoica Iezdici, Victoria Balogh, Ioan Tomesc, Virgil Prodan, Daniela-Oxana Radu and Vasile-Adrian Drăgulescu, are eight Romanian nationals who were born in 1959, 1964, 1938, 1945, 1953, 1958, 1955 and 1945 respectively. They all live in Timișoara, except for Ms Iezdici, who lives in Variaș. They are victims or the heirs of victims of the armed crackdown on the anti-totalitarian demonstrations which started in Timișoara on 16 December 1989.

Relying in particular on Article 2 (right to life), the first four applicants complained that the authorities had not conducted an effective investigation into the death of their relatives during the crackdown on the December 1989 demonstrations in Timișoara. The other four complained that the authorities had not conducted an effective investigation into the life-endangering acts of ill-treatment to which they had allegedly been subjected in the context of the same events.

Violation of Article 2 (investigation)

Just satisfaction: EUR 8,000 to each of the eight applicants (non-pecuniary damage)

Akdemir and Evin v. Turkey (nos. 58255/08 and 29725/09)*

The applicants are four Turkish nationals: Aysel Akdemir, the mother of the late Turgay Ergin, and Fatma Evin, the mother of the other two applicants, Suat Evin and Servet Evin.

The case concerned the explosion of a device found by a group of children, killing one of them and seriously injuring the others, and the length of the compensation proceedings subsequently brought by their parents.

On 13 March 1999, in the Hani district (province of Diyarbakır), Turgay Ergin, a seven-year-old boy, was playing with Servat Evin, aged eight, when Suat Evin, aged 11, came up to them with an object he had found in a bin near a military shooting range. The object exploded in his hands. Servat Evin suffered brain damage and displacement of the cornea, and Suat Evin had his left forearm amputated. Turgay Ergin died from his injuries.

On 2 August 1999 the Hani public prosecutor's office concluded that the death had been caused by the explosion of a bomb – originally an explosive device belonging to the armed forces – that had been prepared by PKK terrorists and left in a bin. Its efforts to identify the perpetrators were unsuccessful. On 3 July 2009 it discontinued the case as the prosecution had become time-barred.

In February 2000 Aysel Akdemir and Fatma Evin applied to the Ministry of the Interior for compensation for the death of and injuries to their respective children, but to no avail. In June 2000 Ms Akdemir and Ms Evin brought a compensation claim with the Administrative Court, in which Ms Akdemir sought a sum equivalent at the time to 52,859 euros (EUR) for pecuniary and non-pecuniary damage and Ms Evin, on behalf of her children, sought the equivalent of EUR 70,150 at the time for pecuniary damage. In accordance with subsequent court decisions, Ms Akdemir received a sum equivalent to EUR 22,172 in January 2011. In January 2012 Ms Evin and her children were awarded the equivalent of EUR 38,036 in accordance with court decisions.

Relying in particular on Article 6 § 1 (right to a fair trial within a reasonable time), the applicants complained about the length of the proceedings in the administrative courts.

Violation of Article 6 § 1 (length of proceedings)

Just satisfaction: EUR 6,000 jointly to Fatma Evin, Suat Evin and Servet Evin and EUR 5,000 EUR to Aysel Akdemir (non-pecuniary damage)

Revision

Cülaz and Others v. Turkey (nos. 7524/06 and 39046/10)*

In this case, in which the Court delivered a [judgment on 15 April 2014](#), the applicants are 18 Turkish nationals, all of whom live in Silopi (Turkey), except for one who lives in Brussels (Belgium).

The case concerned relatives of the applicants who had been arrested and taken to Görümlü gendarmerie station; their families had had no news of them since.

The Court found a violation of Article 2 (right to life; investigation) as regards application no. 7524/06. It declared application no. 39046/10 inadmissible. By way of just satisfaction in application no. 7524/06, the Court awarded EUR 65,000 to each applicant family in respect of non-pecuniary damage and EUR 5,000 to all the applicants jointly in respect of costs and expenses.

On 6 November 2014 the applicants' representative informed the Court that the applicant Yasin Akil was not the son but the brother of İbrahim Akil, one of the disappeared. He requested the revision of the judgment in accordance with Rule 80 of the Rules of Court. The Government stated that they had no objection to the revision of the Court's judgment of 15 April 2014.

The Court decided to revise its judgment of 15 April 2014 in so far as it concerned the claims made by İbrahim Akil's relatives in respect of non-pecuniary damage, and held that Turkey was to pay

EUR 60,000 jointly to Fatma Akıl, Taybet Akıl, Sariye Akıl and Peyruze Akıl, İbrahim Akıl's wife and children respectively, and EUR 5,000 EUR to Yasin Akıl, his brother, in respect of non-pecuniary damage.

Şükrü Yıldız v. Turkey (no. 4100/10)*

The applicant, Şükrü Yıldız, is a Turkish national who was born in 1982 and lives in Erzurum.

The case concerned the applicant's alleged ill-treatment during his arrest and his complaint that the investigation into his allegations had not been effective.

On 10 December 2000 at 3 a.m. police officers patrolling an area of Istanbul noticed Mr Yıldız, accompanied by three other people, writing illegal slogans on walls. After shots were fired, one of the other men sustained an injury to the ear and another suffered head wounds, from which he later died. Mr Yıldız, who sustained minor head injuries, alleges that during his arrest, police officers kicked him in the head while forcing him to get inside their car. Mr Yıldız remained in hospital until 18 December 2000 and underwent an operation for a skull fracture with depression in the right parietal region.

In January 2001 the prosecuting authorities instituted criminal proceedings against Mr Yıldız for membership of an illegal organisation (the MLKP). In April 2004 he was found guilty of undermining the integrity of the State in a judgment upheld by the Court of Cassation in April 2005.

In November 2001 the public prosecutor instituted criminal proceedings against the police officers involved in the events. In a judgment of 24 May 2012, finding that the police officers had acted in self-defence, the Assize Court discharged them of any criminal liability. Mr Yıldız appealed to the Court of Cassation, which ordered the acquittal of the accused.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), the applicant complained about the treatment to which he had allegedly been subjected during his arrest.

Violation of Article 3 (ill-treatment)

Violation of Article 3 (investigation)

Just satisfaction: EUR 19,500 (non-pecuniary damage) and EUR 1,550 (costs and expenses)

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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.