



Judgments of 24 March 2020

The European Court of Human Rights has today notified in writing 14 judgments¹:

four Chamber judgments are summarised below; separate press releases have been issued for two other Chamber judgments in the cases of *Cegolea v. Romania* (application no. 25560/13) and *Asady and Others v. Slovakia* (no. 24917/15);

eight Committee judgments, concerning 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 ().*

Cantaragiu v. the Republic of Moldova (application no. 13013/11)

The applicant, Vasile Cantaragiu, is a Moldovan national who was born in 1986 and, according to the latest information available, was detained in Cahul.

The case concerned his complaints that he and his brother had been ill-treated while in detention, which had led to his brother's death.

Mr Cantaragiu and his brother were arrested on suspicion of murder in April 2005 and placed in pre-trial detention. Their father was also later arrested on the same charge.

Mr Cantaragiu was taken to hospital in November 2005 and subsequently complained that he had been ill-treated by the police. Prosecutors discontinued their criminal investigation into his allegations in 2007, finding that no offence had been committed.

Mr Cantaragiu's brother, 21 and a former junior judo champion, complained to prison staff on 30 October 2005 of pains in his stomach and headaches. He died in hospital on 3 November.

Prosecutors opened a criminal investigation but suspended it in September 2008, finding that it was not possible to determine the cause of the rupture of the duodenum. Complaints by Mr Cantaragiu and his father about the prosecutor's decisions were rejected.

The courts, including the Supreme Court of Justice in February 2008, found Mr Cantaragiu and his father guilty of murder. The brother was also found guilty, but proceedings against him were suspended. In December 2010 the Supreme Court of Justice quashed the convictions, finding that the three men had been ill-treated during their detention.

After fresh consideration, the courts again found the men guilty, rulings which were upheld by the Supreme Court in April 2013. Nevertheless, it found it proved that the applicant, his brother and father had suffered ill-treatment, that there had been no effective investigation of that matter, and that their self-incriminating statements could not be relied on in the proceedings against them.

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 in particular on Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Cantaragiu complained about his brother's ill-treatment and death in detention and of the subsequent ineffective investigation.

Violation of Article 2 (right to life)

Violation of Article 2 (investigation)

Violation of Article 3 (ill-treatment) – in respect of the applicant

Violation of Article 3 (investigation) – in respect of the applicant

Just satisfaction: 40,000 euros (EUR) (non-pecuniary damage), and EUR 650 (costs and expenses)

Marius Alexandru and Marinela Ștefan v. Romania (no. 78643/11)*

The applicants, Alexandru and Marinela Ștefan, are Romanian nationals who were born in 1983 and 1985 respectively. They are married and live in Bucharest.

The applicants complained of a failure by the State to protect their lives and those of their relatives after an uprooted tree fell on their car in August 2007. The applicants, who were both in the car, suffered multiple injuries; their parents and Ms Ștefan's young brother died.

Mr and Mrs Ștefan relied in particular on Article 2 (right to life). Furthermore, they complained of the lack of an effective investigation to identify and punish those responsible for the accident.

No violation of Article 2 (right to life)

Violation of Article 2 (investigation) – on account of the failure of the Romanian authorities to conduct an effective investigation into the circumstances of the accident in August 2007

Just satisfaction: EUR 20,000 to Mrs Ștefan and EUR 5,000 to Mr Ștefan (non-pecuniary damage), and EUR 1,734 to the applicants jointly (costs and expenses)

Abiyev and Palko v. Russia (no. 77681/14)*

The applicants, Mayrbek Kharonovich Abiyev and Nadezhda Nikolayevna Palko, are Russian nationals who were born in 1959 and 1970 respectively. They live in Argun (Chechen Republic). Mr Abiyev died in 2016, and Ms Palko wished to continue the proceedings before the Court on his behalf.

The case concerned the demolition of the applicants' property and the taking of their land for the purposes of the reconstruction of the town of Argun, as well as the dismissal by the courts of their action for damages.

The complaints concerned in particular Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 97,250 (pecuniary damage), EUR 6,500 (non-pecuniary damage), and EUR 1,440 (costs and expenses) to Mrs Palko

Elif Kızıl v. Turkey (no. 4601/06)*

The applicant, Elif Kızıl, was a Turkish national who was born in 1934. She lived in Kırşehir (Turkey) until her death. Ms Kızıl's four heirs wished to continue the application before the Court.

The case concerned the loss of ownership of a property which Ms Kızıl purchased in 1973 following a revision of the land register in 1974.

In 1973 Ms Kızıl bought a piece of real estate. She was issued with a document of title registered in the Land Registry. The following year, during the revision of the land register, the property was entered for the benefit of the Treasury on the grounds that the name of the owner had not been

traced. At the time Ms Kızıl was living in Germany with her husband. She was allegedly not informed of the situation until 2002, when the authorities asked her to pay compensation for occupation. Up until that date, according to the applicant herself and also to the Court of First Instance (CFI), she had retained her peaceful enjoyment of her property.

In 2003 Ms Kızıl lodged an action to cancel the registration for the benefit of the Treasury, and requested the re-registration of the property as belonging to her, pointing out that she had never been informed of the revision of the land register and had only been apprised of the outcome of the revision at the Land Registry in 2002. The CFI allowed her action.

In 2004 the Court of Cassation quashed the first-instance judgment on the grounds that Ms Kızıl's action had been intended to change the outcome of the Land Registry revision in 1974 and that it had been lodged after the 10-year time-limit laid down in the Land Registry Act which had come into force in 1987. The CFI complied with that judgment and dismissed Ms Kızıl's action. The judgment became final in 2005.

Relying on Article 1 of Protocol No. 1 (protection of property), Ms Kızıl complained that it had not been possible to object to the loss of her property as she had not been informed of it until 2002.

Violation of Article 1 of Protocol No. 1

Just satisfaction: Ms Kızıl did not submit a claim for just satisfaction.

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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.