

**Press release issued by the Registrar**

**Chamber judgments<sup>1</sup> concerning  
Albania, Finland, Italy, Poland, Romania, Serbia, Slovakia and Turkey**

The European Court of Human Rights has today notified in writing the following 25 Chamber judgments. The judgments available only in French are indicated with an asterisk (\*).

Repetitive cases<sup>2</sup> and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release.

***Bushati and 2 Others v. Albania*** (application no. 6397/04)

The applicants, Ixhlale Bushati, Skender Bushati and Genc Bushati, are Albanian nationals who were born in 1918, 1939 and 1944 respectively and live in Shkoder (Albania). Relying on Article 6 § 1 (right to a fair trial within a reasonable time) and Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, they complained in particular about the non-enforcement of a court decision in their favour with regard to a plot of land on the Albanian coast.

***Violation of Article 6 § 1 (fairness) (non-enforcement of judgment)***

***Violation of Article 1 of Protocol No. 1***

*Just satisfaction: question reserved for decision at a later date*

***Caka v. Albania*** (no. 44023/02)

The applicant, Lulzim Caka, is an Albanian national who was born in 1970 and is currently serving a prison sentence in Tirana. Relying in particular on Article 6 §§ 1 and 3 (right to a fair trial), he complained of not having been properly represented by a lawyer during his trial and of not having been able to question certain witnesses or to have witnesses appear on his behalf.

***No violation of Article 6 § 1 in conjunction with Article 6 § 3 (c) (access to a lawyer)***

***No violation of Article 6 § 1 in conjunction with Article 6 § 3 (d) (examination of witness M.)***

***Three violations of Article 6 § 1 in conjunction with Article 6 § 3 (d) (attendance of witnesses O., Q. and S., and B., C. and D.; testimonies before the Berat District Court)***

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

***Janatuinen v. Finland*** (no. 28552/05)

The applicant, Jukka Pekka Janatuinen, is a Finnish national who was born in 1971 and lives in Vierumäki (Finland). In December 2003 he was found guilty of drugs offences and

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<sup>1</sup> 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.

<sup>2</sup> In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

sentenced to five years in prison. Relying on Article 6 §§ 1 and 3 (right to a fair trial), he complained about the police having destroyed telephone recordings which might have benefited his defence in the criminal proceedings against him.

**Violation of Article 6 § 1 taken together with Article 6 § 3 (b) (fairness)**

*Just satisfaction: EUR 2,500 (non-pecuniary damage) and EUR 1,900 (costs and expenses)*

**Taavitsainen v. Finland** (no. 25597/07)

The applicant, Sirpa Marita Taavitsainen, is a Finnish national who was born in 1971 and lives in Tampere (Finland). Relying on Articles 6 § 1 (right to a fair trial within a reasonable time) and 13 (right to an effective remedy), the applicant complained of the length of criminal proceedings against her on charges of having provided in 2001, and gained from that arrangement, an apartment for the practice of prostitution.

**Violation of Article 6 § 1 (length)**

**Violation of Article 13**

*Just satisfaction: EUR 5,000 (non-pecuniary damage) and EUR 2,305.80 (costs and expenses)*

**Miccichè and Guerrera v. Italy** (no. 28987/04)\*

The applicants, Gaetano Miccichè, Carmelo and Biagio Guerrera, Ada Micciché, and Elio and Vittorio Micciché, are Italian nationals born in 1933, 1962, 1965, 1942, 1944 and 1948 respectively and living in Italy. They brought proceedings in the courts after land belonging to them was indirectly expropriated at the end of the 1970s. The compensation they obtained in these proceedings, which lasted from 1986 to 1998, was capped in accordance with an Act that had come into force in 1996. In 2000 the applicants lodged an application with the Court complaining of the length of the proceedings. In 2001 the Court informed them that the "Pinto" Act had come into force, which provided them with a remedy in Italy for their complaint. Their file was subsequently destroyed. In 2002 the applicants were awarded compensation by the Italian courts for the excessive length of the proceedings. Relying in particular on Article 6 § 1 (right to a fair trial within a reasonable time), the applicants complained of the length of the main proceedings and of the inadequacy of the redress obtained using the "Pinto" remedy.

**(1st, 4th, 5th and 6th applicants) Violation of Article 6 § 1 (length)**

*Just satisfaction: EUR 6,800, each (non-pecuniary damage) and EUR 3,000, jointly (costs and expenses)*

**Goliszewski v. Poland** (no. 14148/05)

The applicant, Łukasz Goliszewski, is a Polish national who was born in 1982 and lives in Legionowo (Poland). Relying on Article 5 § 3 (right to liberty and security), he complained of the length of his pre-trial detention after his arrest in October 2002 on suspicion of aggravated assault.

**Violation of Article 5 § 3**

*Just satisfaction: EUR 1,500 (non-pecuniary damage) and EUR 100 (costs and expenses)*

**Molnar Gabor v. Serbia** (no. 22762/05)

The applicant, Istvan Molnar Gabor, is a Serbian national who was born in 1926 and lives in Subotica (Serbia). Relying on Articles 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), he complained about the continuous refusal of the authorities to release to him all of his foreign currency savings deposited in a bank and, in particular, about the non-enforcement of a domestic judicial decision rendered on this question in his favour.

**No violation of Article 6 § 1**

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

**Aytaş and Others v. Turkey** (no. 6758/05)\*

The applicants are 17 Turkish nationals living in Turkey. Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 11 (freedom of assembly and association), they complained that in 2004 the police broke up violently a demonstration in which they were taking part in protest at a government bill on higher education.

**(10 applicants) Violation of Article 3 (treatment)**

**(All applicants) Violation of Article 11**

*Just satisfaction: concerning Article 3, the Court awards for non pecuniary damage EUR 2,000 each to Ms Aytaş, Mr Gok and Mr Metin; EUR 3,000 each to Mr Karatepe, Mr Kurtuluş, Mr Aslan, Mr Ersoy and Mr Bülbül; and EUR 5,000 each to Mr Ocak and Mr Ozan (non-pecuniary damage); concerning Article 11, the finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage*

**Çayan Bilgin v. Turkey** (no. 37912/04)\*

The applicant, Çayan Bilgin, is a national who was born in 1978 and lives in Tekirdağ (Turkey). In 2001 criminal proceedings were instituted against him during an operation carried out against the illegal organisation *Halkın Devrimci Adaleti* ("People's Revolutionary Justice"). Relying on Articles 5 § 3 (right to freedom and security) and 6 § 1 (right to a fair trial within a reasonable time), he complained of the allegedly excessive length of his pre-trial detention and the criminal proceedings.

**Violation of Article 5 § 3**

**Violation of Article 6 § 1 (length)**

*Just satisfaction: EUR 4,250 (non-pecuniary damage) and EUR 1,000 (costs and expenses)*

**Kenan Engin v. Turkey** (no. 60683/00)\*

The applicant, Kenan Engin, is a Turkish national who was born in 1974 and lives in Tunceli (Turkey). In 1998 he was convicted by the Istanbul National Security Court of membership of an illegal armed organisation. Relying among others on Article 6 §§ 1 and 3 (c) (right to a fair trial), he argued that the court did not constitute an "impartial and independent tribunal" on account of the presence of a military judge on the bench and that he was not assisted by a lawyer while in police custody.

**Violation of Article 6 § 1 (fairness)**

**Violation of Article 6 § 3 (c) in conjunction with Article 6 § 1 (fairness)**

*Just satisfaction: EUR 1,000 (non-pecuniary damage)*

**Osman Yılmaz v. Turkey** (no. 18896/05)\*

The applicant, Osman Yılmaz, is a Turkish national who was born in 1982 and lives in Bursa (Turkey). Relying on Article 6 § 1 (right to a fair trial), he complained of the failure to enforce a court decision awarding him damages following a road accident as a result of which he was 100% disabled. He alleged that by failing to ensure enforcement of that decision the domestic authorities had infringed his right to a fair hearing and his right of access to a court.

**Violation of Article 6 § 1 (fairness)**

*Just satisfaction: enforcement of the judgment at issue within three months or, failing that, payment of EUR 293,149 (pecuniary damage) and EUR 3,900 (non-pecuniary damage)*

**Savaş v. Turkey** (no. 9762/03)\*

The applicant, Uğur Savaş, is a Turkish national who was born in 1979 and lives in Balıkesir (Turkey). In 2001 criminal proceedings were brought against him for armed robbery. Relying among others on Article 6 §§ 1 and 3 (c) (right to a fair trial), he complained that his trial was unfair. He claimed in particular that he was not given a copy of the written submissions of the Principal Public Prosecutor at the Court of Cassation on the merits of his appeals and that he was denied access to a lawyer while in police custody.

**Violation of Article 6 § 3 (c) in conjunction with Article 6 § 1 (fairness)**

**Violation of Article 6 § 1 (fairness)**

*Just satisfaction: no claim made by the applicant*

**Şayık and Others v. Turkey** (nos. 1966/07, 9965/07, 35245/07, 35250/07, 36561/07, 36591/07 and 40928/07)\*

The applicants, Hayrettin Şayık, Mehmet Ali Oğuzhan, Murat Aslan, Turgay Bilge, Fahri Arcagök, Mehmet Özboğa (Aksa) and Mehmet Salih Şimşek, are Turkish nationals who were born in 1963, 1969, 1975, 1976, 1974, 1976 and 1978 respectively and are currently in prison in Diyarbakır and Siirt (Turkey). Criminal proceedings were brought against them between 1995 and 2001 during operations carried out against *Hizbullah*, an illegal fundamentalist organisation. Relying, at least in substance, on Article 5 §§ 3 and 4 (right to liberty and security), the applicants complained of the excessive length of their pre-trial detention and argued that they had not had an effective remedy by which to seek judicial review of the lawfulness of their detention. Relying, further, on Articles 6 § 1 (right to a fair trial within a reasonable time) and 13 (right to an effective remedy), they also complained that their case had not been heard within a reasonable time and that there had been no domestic remedy available by which to complain.

**Violation of Article 5 §§ 3 and 4**

**Violation of Article 6 § 1 (length)**

**Violation of Article 13**

*Just satisfaction: EUR 4,000 to Mr Şayık, EUR 6,500 to Mr Oğuzhan, EUR 9,000 each to Mr Aslan and Mr Arcagök, EUR 11,000 each to Mr Bilge and Mr Özboğa (Aksa), and EUR 11,500 to Mr Şimşek (non-pecuniary damage)*

**Yeşilkaya v. Turkey** (no. 59780/00)\*

The applicant, Ali Rıza Yeşilkaya, is a Turkish national who was born in 1972. On the date his application was lodged he was in Sivas Prison (Turkey). Relying on, among other provisions, Article 6 §§ 1 and 3 (c) (right to a fair trial), he complained that he had not had access to legal assistance while in police custody.

**Violation of Article 6 § 3 (c) in conjunction with Article 6 § 1 (fairness)**

*Just satisfaction: EUR 1,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses)*

## **Repetitive cases**

The following cases raise issues which have already been submitted to the Court.

### **Revision**

**Bortesi and Others v. Italy** (no. 71399/01)\*

The case concerned the inadequacy of the expropriation compensation paid to the applicants. On 8 September 2008, the Government requested that the judgment in this case (10 June 2008) be revised. In its judgment today, the Court decided, by five votes to two, to revise the initial judgment.

**Gennari v. Italy** (no. 32550/03)\*

**Vacca v. Italy** (no. 8061/05)\*

The two cases above concerned the inadequacy of expropriation compensations awarded to the applicants. They relied on Article 1 of Protocol No. 1 (protection of property) and, in the Vacca case, Article 6 § 1 (right to a fair trial).

**Violation of Article 1 of Protocol No. 1**

**In Vacca only: violation of Article 6 § 1 (fairness)**

**Darnai v. Romania** (no. 36297/02)\*

This case concerned the domestic authorities' failure to enforce a final judgment in the applicant's favour in good time. He relied on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

**Violation of Article 6 § 1 (fairness)**

**Violation of Article 1 of Protocol No. 1**

***Gherghiceanu and Others v. Romania*** (no. 21227/03, 18377/05 and 18730/05)\*

This case concerned the inability to recover possession of property that had been nationalised and subsequently sold by the State. The applicants relied on Article 1 of Protocol No. 1 (protection of property).

***Violation of Article 1 of Protocol No. 1***

***Öztok v. Turkey*** (no. 42082/02)\*

In this case the applicant complained from a restriction from his property, designated forest area, without compensation. He relied on Article 1 of Protocol No. 1 (protection of property).

***Violation of Article 1 of Protocol No. 1***

**Length-of-proceedings cases**

In the following cases, the applicants complained in particular under Article 6 § 1 (right to a fair hearing within a reasonable time) about the excessive length of (non-criminal) proceedings. The applicant in the case of ***Kucharczyk*** also complained under the same Article of the fairness of the proceedings, and the applicant in the case of ***Nemet*** also relied on Article 13 (right to an effective remedy).

***Violation of Article 6 § 1***

***Kucharczyk v. Poland*** (no. 3464/06)

***Puczyński v. Poland*** (no. 32622/03)

***Petrincová v. Slovakia*** (no. 11395/06)

***Rošková v. Slovakia*** (no. 36818/06)

***Violation of Article 6 § 1***

***Violation of Article 13***

***Nemet v. Serbia*** (no. 22543/05)

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These summaries by the Registry do not bind the Court. The full texts of the Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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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.