



## Judgments concerning Azerbaijan, Greece, Hungary, Moldova, Russia, Slovakia and Turkey

The European Court of Human Rights has today notified in writing the following 12 judgments, five of which (in italics) are Committee judgments and are final. The others are Chamber judgments and are not final<sup>1</sup>.

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. The judgments available only in French are indicated with an asterisk (\*).

### Anastasakis v. Greece (no. 41959/08) \*

The applicant, Theofilos Anastasakis, is a Greek national who was born in 1949 and lives in Heraklion. A plot of land belonging to him, on which he operated a petrol station, was expropriated with a view to the construction of the Heraklion National Stadium for the 2004 Olympics. Following the expropriation, he had to cease operations. The amount of expropriation compensation awarded did not cover the losses incurred as a result of the closure of the petrol station. Relying, in particular, on Article 6 § 1 of the Convention (right of access to a court), the applicant complained that he had not received a special award in compensation for the loss of his occupation, and alleged that he had not had access to a court in order to assert his rights in that regard.

#### Violation of Article 6 § 1

**Just satisfaction:** no claim submitted by the applicant

### Bercut S.R.L. v. Moldova (no. 32247/07)

The applicant company, Bercut S.R.L., was a driving school registered in Moldova. Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company complained about the authorities' withdrawal of its licence in August 2006 due to an administrative irregularity concerning changes in its staff. The driving school has since had to close.

#### Violation of Article 1 of Protocol No. 1

**Just satisfaction:** EUR 9,000 (pecuniary damage) and EUR 4,000 (non-pecuniary damage)

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<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)

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

### Rozhin v. Russia (no. 50098/07)

The applicant, Igor Rozhin, is a Russian national who was born in 1963 and lives in Minusinsk (Russia). In December 2001 he was found guilty of, among other offences, attempted murder and membership of an organised criminal gang and sentenced to 14 years' imprisonment. His case concerned his complaint to the domestic authorities about his ensuing conditions of detention and that he had not been given the opportunity to attend related hearings. He relied on Article 6 (right to a fair hearing).

#### **Violation of Article 6 § 1**

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

### Popivčák v. Slovakia (no. 13665/07)

The applicant, Peter Popivčák, is a Slovak national who was born in 1950 and lives in Košice (Slovakia). He is a self-employed entrepreneur. In 1996 the tax authorities ordered him to repay a State subsidy. He hired a lawyer and challenged the repayment order, succeeding only partially. This case concerned his complaint about the dismissal of his claim for damages against his lawyer for malpractice in the repayment proceedings. He relied on Article 6 § 1 (right of access to a court).

#### **No violation of Article 6 § 1**

### Žúbor v. Slovakia (no. 7711/06)

The applicant, Róbert Žúbor, is a Slovak national who was born in 1968 and lives in Veličná (Slovakia). Arrested in June 2003 on suspicion of planning a robbery and remanded in custody, he complained that his detention as from January 2005 until his release in March 2006 had been unlawful and that the compensation awarded to him in the ensuing constitutional proceedings was insufficient. He also alleged that the Constitutional Court had taken eight months to deal with an application for his release made in January 2005. He relied in particular on Article 5 § 1 (right to liberty and security) and 5 § 4 (right to have a lawfulness of detention decided speedily by a court).

#### **Violation of Article 5 § 1**

#### **Violation of Article 5 § 4**

**Just satisfaction:** the applicant's claim for just satisfaction was dismissed

### Ayangil and Others v. Turkey (no. 33294/03)

The applicants, Fidan, Fatma, Mehmet and Vildan Ayangil, are Turkish nationals who were born in 1952, 1930, 1950 and 1957 respectively and live in Ankara. The case concerned the family's complaint that the authorities had built a primary school on land the applicants owned in the Incesu neighbourhood of Ankara without formally expropriating it and without awarding them compensation. They relied on Article 1 of Protocol No. 1 (protection of property).

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

**Just satisfaction:** The Court decided to reserve this question for decision at a later date.

## Iyilik v. Turkey (no. 2899/05) \*

The applicant, Necmettin İyilik, is a Turkish national. In 1965 he married Ms X, who gave birth to a daughter. The applicant claimed not to be the girl's biological father. In 1966 the Ankara District Court granted the couple a divorce. In 1968 the same court dismissed an action for disavowal of paternity brought by the applicant, basing its decision on the results of blood tests. In 2002 the applicant applied to have the proceedings reopened and to have DNA tests performed. This application was also rejected. Relying, in particular, on Article 8 (right to respect for private and family life), Necmettin Iyilik complained of being unable to initiate a new set of judicial proceedings enabling him to disavow paternity on the basis of reliable scientific tests.

### No violation of Article 8

## Repetitive cases

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

**Zahid Mammadov and Others v. Azerbaijan** (nos. 3172/08, 42347/08, 454/09, 2772/09 and 32585/09)

The case concerned the applicants' complaints about the non-enforcement of judgments in their favour ordering the eviction of internally displaced persons – from regions under the control of Armenian military forces – from flats in respect of which they had either ownership or tenancy rights. They relied in particular on Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property).

### Violation of Article 6 § 1

### Violation of Article 1 of Protocol No. 1

**Aleksandr Ponomarev v. Russia** (no. 8235/03)

The case concerned the applicant's complaint about the excessive length of proceedings as well as the delayed enforcement of a judgment in his favour concerning compensation for his participation in the emergency clean-up operation at the Chernobyl nuclear plant. He relied in particular on Article 6 § 1 (right to a fair trial), Article 1 of Protocol No. 1 (protection of property).

**No violation of Article 6 § 1** (concerning the length of the proceedings)

**Violation of Article 6 § 1** (concerning the delayed enforcement of the judgment)

## Length-of-proceedings cases

In the following cases, the applicants complained in particular about the excessive length of (non-criminal) proceedings.

**Antonios Simos and Others v. Greece** (no. 41969/08) \*

**Csorba v. Hungary** (no. 49905/06)

**Rednikov v. Russia** (no. 18072/04)

**Violation of Article 6 § 1** (all three cases)

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