



## Judgments<sup>1</sup> concerning Bulgaria, Greece, Italy, Romania, Russia, Serbia and Turkey

The European Court of Human Rights has today notified in writing the following 13 judgments.

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 (\*).

### Mecheva v. Bulgaria (no. 323/04)\*

The applicant, Rositza Mecheva, is a Bulgarian national who was born in 1927 and lives in Sofia. Her son, Alexandre Todorov, died on 6 June 1998 in Sofia during a police check-up. Relying on Article 2 (right to life) of the European Convention on Human Rights, Mrs Mecheva complained that the investigation into the circumstances of his death had not been effective.

#### **No violation of Article 2**

### Prescher v. Bulgaria (no. 6767/04)

The applicant, Bella Asenova Prescher, is a Bulgarian national who was born in 1962 and lives in Hanover (Germany). Her husband is German. She was arrested by the German police in December 1995 at the request of the Bulgarian authorities who were investigating her for writing fraudulent cheques in Bulgaria. She was subsequently extradited to Bulgaria where the criminal proceedings against her were ultimately terminated in October 2007 as time-barred. Relying on Article 6 § 1 (right to a fair trial within a reasonable time) of the Convention, she complained about the excessive length of the proceedings brought against her as well as, under Article 2 of Protocol No. 4 (freedom of movement) and Article 8 (right to respect for private and family life and the home), about the ban on her leaving Bulgaria while those proceedings were still pending against her, which had prevented her from taking care of her sick husband who had remained in Germany.

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

#### **Violation of Article 2 of Protocol No. 4**

**Just satisfaction:** EUR 5,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

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1 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)

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

### Svetlozar Petrov v. Bulgaria (no. 23236/04)

The applicant, Svetlozar Petrov, is a Bulgarian national who was born in 1945 and lives in Pleven (Bulgaria). Former general manager of the state-owned company Republika EOOD, he complained about the unfairness as well as the excessive length of proceedings he had brought against the company and the Ministry of Industry following his dismissal in July 1995. He relied on Article 6 § 1 (right to a fair hearing within a reasonable time).

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

**Just satisfaction:** EUR 1,600 (non-pecuniary damage)

### Agrati and Others v. Italy (nos. 43549/08, 6107/09 and 5087/09)\*

The applicants are 125 Italian nationals who live in Italy. Relying on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property), they complained about the retrospective application of a new law to ongoing judicial proceedings, on the calculation of their length of service as civil servants.

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

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

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

### Baldovin v. Romania (no. 11385/05)\*

The applicant, Ana-Elisabeta Baldovin, is a Romanian national who was born in 1983 and lives in Bălești (Romania). Relying in particular on Article 2 (right to life), she complained that she had been denied an effective investigation into the death of her daughter following her birth in 2002 and that the doctor on duty had induced a vaginal birth although, according to the gynaecologist who had monitored the pregnancy, a caesarean section was essential.

**Violation of Article 2** (lack of effective investigation)

**Just satisfaction:** EUR 16,000 (non-pecuniary damage)

### Gusak v. Russia (no. 28956/05)

The applicant, Larisa Gusak, is a Russian national who was born in 1940 and lives in Sochi (Russia). She complained about the unfairness of proceedings in which she and her daughter had been sued by a building company for arrears in the payment for a house. She notably alleged that she had not been notified in time of the appeal hearing in her case. She relied in particular on Article 6 §1 (right to a fair hearing).

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

**Just satisfaction:** EUR 1,800 (non-pecuniary damage) and EUR 128 (costs and expenses)

### Ryabikina v. Russia (no. 44150/04)

The applicant, Larisa Ryabikina, now deceased, was a Russian national, born in 1947, who lived in Ryazan (Russia). Her son has pursued her application before the European Court. The case concerned Ms Ryabikina's complaint that the Russian courts had refused to examine the merits of her claim in which she had sought damages for the excessive length of proceedings regarding pension arrears. She relied on Article 6 § 1 (right of access to a court).

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

**Just satisfaction:** to the late applicant's son, EUR 7,200 (non-pecuniary damage)

### Juhas Đurić v. Serbia (no. 48155/06)

The applicant, Viktor Juhas Đurić, is a Serbian national who was born in 1966 and lives in Subotica (Serbia). A practising lawyer, he complained that the Serbian courts had refused to consider the merits of his claim for fees for providing legal assistance to a criminal suspect during his questioning by the police and that those proceedings had lasted two years. He relied on Article 6 § 1 (right of access to a court/right to a fair hearing within a reasonable time). Further relying on Article 34 (right of individual petition), he also alleged that the authorities had interfered with his correspondence with the European Court as it had arrived at his home with significant delays and sometimes even already opened.

**No violation of Article 6 § 1**

**No violation of Article 34**

### Repetitive cases

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

**Güler and Kekeç v. Turkey** (nos. 33994/06 and 36271/06)

This case concerned the non-enforcement of final judgments in which the applicants had been awarded severance benefits and unpaid wages. They 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**

**Sürmeli and Others v. Turkey** (nos. 16128/04, 21182/04 and 23014/04)\*

In this case the applicants complained of the transfer of ownership of their land to the State Treasury without compensation. They 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 complain in particular under Article 6 § 1 (right to a fair trial within a reasonable time) about the excessive length of judicial proceedings.

#### ***Criminal***

**Barits v. Greece** (no. 365/09)

This case concerned in particular the applicant's complaint concerning the excessive length of proceedings brought against him for malicious defamation.

**Violation of Article 6 § 1**

**Violation of Article 13**

#### ***Non-criminal***

**Naka v. Greece** (no. 5134/09)

**Akat and Kaynar v. Turkey** (nos. 34740/04 and 2399/06)\*

**Violation of Article 6 § 1 – both cases**

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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.