



Judgments concerning Austria, Bulgaria, Greece, Italy, Romania, Russia, Turkey and Ukraine

The European Court of Human Rights has today notified in writing the following 12 judgments, of which two (in italics) are Committee judgments and are final. The others are Chamber judgments¹ and are not final.

Repetitive cases² and length-of-proceedings cases, with the Court's main finding indicated, can be found at the end of the press release. The judgments in French are indicated with an asterisk (*).

Aigner v. Austria (no. 28328/03)

The applicant, Johann Aigner, is an Austrian national who was born in 1954 and lives in Graz (Austria). Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial and to obtain attendance and examination of witnesses) of the European Convention on Human Rights, he alleged that criminal proceedings brought against him for attempted rape had been unfair. Notably, he claimed that the Austrian courts had refused to grant his request for a further examination of the key witness against him, on the basis of which his conviction and sentencing to four years' imprisonment in April 2003 had been founded.

No violation of Article 6

A.L. v. Austria (application no. 7788/11)

The applicant, A.L., is a Togolese national who was born in 1988 and currently lives in Salzburg (Austria). He arrived at Vienna airport in November 2008 and immediately claimed asylum. His application was dismissed in May 2010 and his expulsion ordered. A member of the opposition political party in Togo (Union des Forces de Changement), he alleged that, if returned to Togo, he would be at risk of persecution and even death. He relied in particular on Article 3 (prohibition of inhuman and degrading treatment) of the Convention.

No violation of Article 3

Indications made to the Government under Rule 39 of the Rules of Court - not to expel the applicant - in force until judgment becomes final or until further order.

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

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

Rahmani and Dineva v. Bulgaria (no. 20116/08)*

The applicants, Ahmed Rahmani, an Algerian national, and Dimka Dineva, a Bulgarian national, were born in 1964 and 1959 respectively and live in Stara Zagora (Bulgaria). A married couple, they complained about Mr Rahmani's detention pending execution of the removal order issued against him on the ground that he was unlawfully present in the country. Relying in particular on Article 5 § 4 (right to liberty and security), they alleged that there had been no effective remedy available in order to challenge the lawfulness of his detention.

Violation of Article 5 § 4

Just satisfaction: EUR 3,000 (non-pecuniary damage), and EUR 2,270 (costs and expenses).

Madah and Others v. Bulgaria (no. 45237/08)

The applicants are Mohammad Rasoul Madah, an Iranian national, his partner, Maria Kerkenezova, and their son, Daniel Mohammad Rasoul Madah, both Bulgarian nationals. They were born in 1965, 1973 and 2006 respectively. Granted a permanent residence permit in Bulgaria in 2001, Mohammad Rasoul Madah subsequently met and started living with Ms Kerkenezova, with whom he had a son, the third applicant. In December 2005 his expulsion was ordered on national security grounds, namely an accusation of involvement in drug trafficking for the purpose of financing a Kurdish separatist group. The expulsion order was endorsed in 2008 by the Supreme Administrative Court and is still pending against him. Relying in particular on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy), the applicants complained about the deportation order against Mohammad Rasoul Madah.

Violation of Article 8 (if the applicant was to be deported)

Violation of Article 13 in relation to Article 8

Just satisfaction: EUR 2,000 (costs and expenses) jointly to the applicants.

Liartis v. Greece (no. 16906/10)*

The applicant, Anastasios Liartis, is a Greek national who was born in 1968 and is currently held in the Tirynta Prison Farm. He has a benign brain tumour and suffers from acute back pain. He complained that he had received inadequate medical treatment for his health problems while in detention and that there had been no effective remedy available to complain about these shortcomings. He relied on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy).

No violation of Article 3 (concerning the treatment of the applicant's hyperostosis)

Violation of Article 3 (delay in providing back surgery)

Violation of Article 13

Just satisfaction: EUR 12,000 (non-pecuniary damage) and EUR 369 (costs and expenses)

Sud Fondi Srl and Others v. Italy (no. 75909/01)* Just satisfaction

The applicants, Sud Fondi s.r.l, Mabar s.r.l and Iema s.r.l, are three Italian companies. In a judgment of 20 January 2009 ("the principal judgment"), the Court had found that the applicants' assets had been confiscated in an arbitrary manner, in violation of both Article 7 (no punishment without law) and Article 1 of Protocol No. 1 (protection of property). Relying on Article 41 (just satisfaction), the applicants claimed just

satisfaction in respect of pecuniary damage and non-pecuniary damage, and for costs and expenses. Today's judgment concerned the question of pecuniary damage.

Just satisfaction: pecuniary damage: 37,000,000 euros (EUR) to Sud Fondi s.r.l., EUR 9,500,000 to Mabar s.r.l. and EUR 2,500,000 to Iema s.r.l..

R.I.P. and D.L.P. v. Romania (no. 27782/10)*

The applicants, R.I.P. and D.L.P., a brother and sister, are Romanian nationals who were born in 1997 and 2000 respectively and live in Slatina (Romania). As underage children, they have applied to the Court through their mother, and complained about the lack of an effective investigation into the accusation of rape made by their mother against their paternal grandfather in 2004, when the girl was seven years old and her brother three. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), they complained about the length of the investigation, which was still pending in 2011, in spite of evidence confirming the allegation of sexual aggression, and alleged that they had not been regularly informed about the progress of the investigation.

Violation of Article 3

Just satisfaction: EUR 10,000 (non-pecuniary damage) to each of the applicants and EUR 65 (costs and expenses) to the applicants jointly.

Bezrukovy v. Russia (no. 34616/02)

The applicants, Lyudmila and Irina Bezrukova, mother and daughter, are two Russian nationals who were born in 1950 and 1976, respectively. They live in Voronezh (Russia). They complained that a final judgment in their favour of December 2004 – concerning a claim against a Russian bank for the refund of deposits – had not been enforced in good time and had been quashed in March 2006 when the deadline for appeal had been extended. 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 and Article 1 of Protocol No. 1 (on account of the quashing of the judgment in the applicants' favour)

Just satisfaction: USD 24,490 (pecuniary damage) to the first applicant and USD 32,931 (pecuniary damage) to the second applicant; EUR 2,000 (non-pecuniary damage) to each applicant; EUR 880 (costs and expenses) to the applicants jointly.

Chelikidi v. Russia (no. 35368/04)

The applicant, Larisa Chelikidi, is a Russian national, who was born in 1956 and lives in Georgiyevsk (Russia). In 2001, she brought civil proceedings against a collective farm seeking to recover 100 tons of sunflower seeds it had agreed to supply her with. She then lodged a claim for compensation against the Ministry of Finance in which she complained about the excessive length of those proceedings. Relying in particular on Article 6 § 1 (right of access to court), she complained that the courts had dismissed this claim for compensation without considering its merits.

Violation of Article 6 § 1

Just satisfaction: EUR 6,000 (non-pecuniary damage).

Repetitive case

The following case raises issues which have already been submitted to the Court.

Glotov v. Russia (no. 41558/05)

Violation of Article 3 (conditions of the applicant's detention)

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.

Kotsev and Ermenkova v. Bulgaria (no. 33864/03)

Tsygankov v. Ukraine (no. 27552/08)

Violation of Article 6 § 1

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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.