



## Judgments<sup>1</sup> concerning Bulgaria, Finland, Greece, Hungary, Italy, Portugal, Romania 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 (\*).

### Baltaji v. Bulgaria (application no. 12919/04)\*

The applicant, Veaceslav Petrovich Baltaji, is a Moldovan national who was born in 1965 and currently lives in St Petersburg (Russia). Relying on Article 8 (right to respect for private life) of the European Convention on Human Rights, he complained about his expulsion in 2003 from Bulgarian territory, where he had been lawfully and permanently resident since 1994 with his family. Relying on Article 13 (right to an effective remedy) and Article 1 of Protocol No. 7 to the Convention (procedural safeguards relating to expulsion of aliens), he also alleged that Bulgarian law did not afford him any effective remedy to protect his right and that he had not enjoyed the procedural safeguards that should prevail in the event of expulsion of an alien.

#### **Violation of Article 8**

#### **Violation of Article 13**

#### **Violation of Article 1 of Protocol No. 7**

**Just satisfaction:** EUR 10,000 (non-pecuniary damage) and EUR 2,900 (costs and expenses)

### Backlund v. Finland (no. 36498/05)

Just satisfaction

### Grönmark v. Finland (no. 17038/04)

The applicants in both cases are Finnish nationals who were born out of wedlock, Maarit Grönmark in 1968 and Sven Backlund in 1937. In judgments of 6 July 2010, the Court held that there had been a violation of Article 8 (right to respect of private and family life) concerning the applicants' complaints that their paternity claims were dismissed in April 2005 and November 2003, respectively, as time-barred. The Court found in particular that the time-limit for judicial recognition of paternity in Finland should not be imposed automatically and regardless of the circumstances of an individual case. The question of the application of Article 41 (just satisfaction) was reserved. In its judgment today, the Court awarded the applicants EUR 500 each for costs and expenses.

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.

### Fix v. Greece (no. 1001/09)\*

The applicants, Karolos Fix, Georgios Fix, Yakinthi Fix and Kasandra-Mosha Fix, are four Greek nationals who were born in 1927, 1933, 1930 and 1957 respectively and live in Athens. They are the owners of a mansion house and surrounding park, which they are unable to use or exploit following a decision to designate the entire property as an "historical monument for preservation". Relying in particular on Articles 6 § 1 (right to a fair hearing within a reasonable time) and 13 (right to an effective remedy), they complained about the length of the proceedings to contest that measure.

#### **Violation of Article 6 § 1**

#### **Violation of Article 13**

**Just satisfaction:** EUR 7,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

### Thanopoulou v. Greece (no. 65155/09)\*

The applicant, Spyridoula Thanopoulou, is a Greek national who was born in 1935 and lives in Sydney (Australia). In 1956 land belonging to her was expropriated without compensation. Relying in substance on Article 6 § 1 (right of access to a court), she complained of the Greek authorities' refusal to comply with judicial decisions in her favour with regard to that expropriation, in particular with a 2009 decision by the Supreme Administrative Court.

#### **Violation of Article 6 § 1**

**Just satisfaction:** EUR 12,000 (non-pecuniary damage)

### Panyik v. Hungary (no. 12748/06)

The applicant, Tibor Panyik, is a Hungarian national who was born in 1954 and lives in Tata (Hungary). A lawyer, Mr Panyik alleged that the tribunal which heard a case brought against him in 2002 by his former employer for payment of outstanding fees was not impartial. Notably, he claimed that the judge in charge of his case on appeal was biased because they worked together on a daily basis and had even withdrawn from a previous case against him for that very reason. He relied on Article 6 § 1 (right to a fair hearing).

#### **Violation of Article 6 § 1**

**Just satisfaction:** EUR 3,800 (non-pecuniary damage)

### Maioli v. Italy (no. 18290/02)\*

The applicants, Romano Maioli and Maria Teresa Maioli, are Italian nationals who were born in 1936 and 1939 respectively and live in Ravenna (Italy). Relying in essence on Article 1 of Protocol No. 1 (protection of property), they complained, in particular, about the length of the period during which expropriation permits affecting their land, accompanied by prohibitions on construction, have been in force. They alleged that this situation amounts to a de facto expropriation, without compensation.

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

**Just satisfaction:** EUR 150,000 (pecuniary damage) and EUR 5,000 (non-pecuniary damage)

## Antochi v. Romania (no. 36632/04)\*

The applicant, Ghiorgi Antochi, is a Romanian national who was born in 1960 and has been detained since 1994; he is currently held in Craiova Prison. Relying on Article 3 (prohibition of inhuman or degrading treatment), he alleged, in particular, that he was subjected to ill-treatment by his fellow prisoners on two occasions in 1999 and 2004, with the complicity of the prison guards, and that no effective investigation was conducted into those events.

### Violation of Article 3

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

## Hidir Durmaz v. Turkey no. 2 (no. 26291/05)\*

The applicant, Mr Hidir Durmaz, is a Turkish national who was born in 1954 and lives in İzmir. In 1998 he was sentenced to 14 years and 7 months' imprisonment. Following the publication in 2004 of the new Criminal Code, which was due to enter into force in June 2005 and made the offence committed by Mr Durmaz punishable by a shorter prison term than that laid down in the previous Code, the applicant's sentence was suspended. Relying on Article 5 §§ 1 and 5, he complains in particular of the fact that he was not released until ten days after the sentence was suspended and that he was not entitled to compensation for the damage caused by his continued detention, which he alleges to have been unlawful.

### Violation of Article 5 § 1

### Violation of Article 5 § 5

**Just satisfaction:** EUR 9,000 (non-pecuniary damage) and 2,000 (costs and expenses)

## Repetitive cases

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

### Macrì and Others v. Italy (no. 14130/02)\*

The applicants in this case complained that, in the absence of formal expropriation and compensation, the occupation of their land by the authorities was unlawful. They relied in particular on Article 1 of Protocol No. 1 (protection of property).

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

### Şahide Korkmaz v. Turkey (no. 31462/07)

In this case the applicant complains of the delay by the authorities in paying her compensation for expropriation of land she owned in a district of Istanbul and of the financial loss incurred by this delay due to high inflation and low interest rates on State debts. She relies on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

### Violation of Article 6 § 1

### 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

### Arede Ruivo v. Portugal (no. 26655/09)\*

### Soares v. Portugal (no. 42925/09)\*

**Violation of Article 6 § 1 (both cases)  
Violation of Article 13 (second case)**

**Revision**

**Karanfilli v. Turkey (no. 29064/06)\***

In a [judgment](#) of 30 November 2010, the Court held that there had been a violation of Article 6 § 1 on account of the excessive length of proceedings with regard to Mr Karanfilli's civil claim. The applicant's lawyer requested revision of this judgment, for which he had been unable to obtain execution because the applicant died before it could be adopted. In its judgment today, the Court decided that Turkey had to pay EUR 8,400 to Mr Karanfilli's heirs for non-pecuniary damage.

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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.