



Judgments concerning Moldova, Montenegro, Russia, Serbia, Slovakia, Spain, and Turkey

The European Court of Human Rights has today notified in writing the following 29 judgments, two of which (in italics) are Committee judgments and are final. The others are Chamber judgments and are not final¹.

Repetitive cases², 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 (*).

Barać and Others v. Montenegro (application no. 47974/06)

The applicants are 13 Montenegrin nationals who were born between 1950 and 1968 and live in Danilovgrad (Montenegro). Relying on Article 6 § 1 (right to a fair trial), they complained about the unfairness of proceedings in which their claims for compensation against their employer were rejected in April 2006. They notably alleged that the final judgment in their case was based on an Act which, found unconstitutional in February 2006, was no longer in force at the relevant time.

Violation of Article 6 § 1

Just satisfaction: 202.34 euros (EUR) (non-pecuniary damage) to each applicant and EUR 4,405 (costs and expenses) jointly to all applicants.

Lakićević and Others v. Montenegro and Serbia (nos. 27458/06, 37205/06, 37207/06 and 33604/07)

The applicants, Nevenka Lakićević, Borislav Vukašinić, Veselin Budeč and Vlado Rajković, are Montenegrin nationals who were born in 1947, 1937, 1924, and 1944 respectively. Ms Lakićević and Mr Budeč live in Herceg-Novi and Mr Vukašinić and Mr Rajković live in Podgorica, Montenegro. Retired owners of private law firms, the applicants all complained about the suspension of their pensions between 2004 and 2005 because they had re-opened their legal practices on a part-time basis. They relied in particular on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Just satisfaction: between EUR 4,000 and 8,000 (pecuniary damage) and EUR 4,000 (non-pecuniary damage) to each applicant; EUR 679.8 (costs and expenses) to Ms Lakićević.

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.

Kryuk v. Russia (no. 11769/04)

The applicant, Vasily Olegovich Kryuk, is a Russian national who was born in 1975 and lives in Moscow. Relying on Article 3 (prohibition of inhuman or degrading treatment), he complained about the appalling conditions of his detention in Moscow remand prisons from August 1997 to January 2003 on assault charges. He notably alleged severe overcrowding and that he had contracted hepatitis. He was ultimately convicted in September 2003 of extortion and sentenced to seven years' imprisonment. Further relying on Article 6 § 1 (right to a fair trial within a reasonable time), he also complained about the excessive length of the criminal proceedings against him which had lasted over five years.

Violation of Article 6 § 1; remaining complaints inadmissible

Just satisfaction: EUR 2,400 (non-pecuniary damage) and EUR 300 (costs and expenses)

Vasilyev and Kovtun v. Russia (no. 13703/04)

The applicants, Viktor Vasilyev and Vasily Kovtun, are Russian nationals who were born in 1951 and 1947 and live in St Petersburg and Sosnoviy Bor (Leningrad Region) respectively. The case concerned the applicants' complaint about the confiscation and sale of cars they had imported from abroad as well as the national courts' refusal to examine their ensuing claims for compensation. They relied on Article 6 § 1 (access to court) and Article 1 of Protocol No. 1 (protection of property).

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 8,000 to Mr Vasilyev and EUR 10,000 to Mr Kovtun (pecuniary damage), EUR 5,000 (non-pecuniary damage) and EUR 1,000 (costs and expenses) to each applicant.

Laduna v. Slovakia (no. 31827/02)

The applicant, Peter Laduna, is a Slovak national who was born in 1973. He is currently serving a life sentence in Leopoldov Prison (Slovakia). His case essentially concerned his complaint that, when detained on remand from September 2001 to February 2006, he had fewer rights than those who had been convicted and were serving prison terms. He notably complained that: his family were only allowed to visit him for 30 minutes once a month, whereas a convicted prisoner was allowed to receive visitors for two hours and, in prisons with the lowest security level, more frequently; and, that he was not allowed to watch television whereas convicted prisoners could watch television collectively in a specially designated room. He relied on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination). Further relying on Article 1 of Protocol No. 1 (protection of property), he also complained that, if he had not used part of the money given to him from his family to pay back a debt to the State, he would not have been allowed to buy extra food and other items he needed in the prison shop. Lastly, he complained under Article 13 (right to an effective remedy) that he had no effective remedy as regards these complaints.

Violation of Article 14 in conjunction with Article 8

No violation of Article 13

No violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 9,000 (non-pecuniary damage) and EUR 600 (costs and expenses)

Valbuena Redondo v. Spain (no. 21460/08)*

The applicant, Santiago Valbuena Redondo, is a Spanish national who lives in Valladolid. Charged with an offence against the Treasury concerning a value-added tax return, he was acquitted at first instance after a public hearing. State Counsel appealed to the *Audiencia Provincial*, which convicted the applicant without holding a public hearing. The applicant complained that he had not been given a hearing before the *Audiencia Provincial* and relied in particular on Article 6 (right to a fair hearing).

Violation of Article 6 § 1

Just satisfaction: EUR 8,000 (non-pecuniary damage) and EUR 5,000 (costs and expenses)

Repetitive cases

The following cases raised issues which had already been submitted to the Court.

Burea and Others v. Moldova* (nos. 55349/07, 16968/09, 19750/09, 32465/09 and 39377/09)

In this case the applicants complained of the failure to enforce final judgments in their favour concerning the provision of social housing or the payment of compensation for property confiscated in the 1940s. The applicants relied on Article 6 § 1 (right of access to a court) and Article 1 of Protocol No. 1 (protection of property).

Violation of Article 6 § 1

Violation of Article 1 of Protocol No. 1

Violation of Article 13 (in application no. 39377/09)

***Ojog and Others v. Moldova* (no. 1988/06)**

In this case the applicants complained about the quashing of a final decision in their favour concerning immovable property by way of revision proceedings. They relied 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

Kokurkhayev v. Russia* (no. 46356/09)

Trudov v. Russia* (no. 43330/09)

In these cases the applicants complained that they were not informed of the date and place of appeal hearings, which were held in their absence although a representative of the prosecution service was present. They relied on Article 6 § 1 (right to a fair hearing).

No violation of Article 6 § 1 (*Kokurkhayev v. Russia*)

Violation of Article 6 § 1 (*Trudov v. Russia*)

***Rozhnyatovskaya v. Russia* (no. 35002/05)**

In this case the applicant, a former military officer, complained about the non-enforcement of a judgment in her favour concerning an allowance for active participation in combat. She relied 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

Abdurrahman Yıldırım v. Turkey* (no. 53329/08)

Bilgin and Örsel v. Turkey* (no. 41166/05)

Coşkun and Others v. Turkey (no. 35561/05)*
Domaniç v. Turkey (no. 14738/06)*
Gerçek and Others v. Turkey (no. 54223/08)*
Gezen v. Turkey (no. 53323/08)*
Gökçe v. Turkey (no. 54227/08)*
Gülsoy v. Turkey (no. 3875/06)*
Gümüş v. Turkey (no. 41150/05)*
Halise Tuncel and Others v. Turkey (no. 29666/06)*
Kazanlar v. Turkey (no. 54170/08)*
Mesci v. Turkey (no. 14030/06)*
Mustafa Tuna v. Turkey (no. 14935/06)*
Özkara and Telli v. Turkey (no. 53339/08)*
Sapmaz v. Turkey (no. 54154/08)*
Şenirmak v. Turkey (no. 4631/06)*
Taktakoğlu v. Turkey (no. 54250/08)*
Zerdali and Others v. Turkey (no. 54173/08)*

In these cases the applicants complained that the administrative authorities had occupied their land for several years without an expropriation order. They relied in particular on Article 6 § 1 (right to a fair hearing within a reasonable time) and complained of the lengthy period during which the authorities had failed to ensure payment of the compensation awarded to them in a final court decision.

Violation of Article 6 § 1 (all 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.