



## Judgments concerning Albania, Bulgaria, Lithuania, Republic of Moldova, Poland, Romania and Russia

The European Court of Human Rights has today notified in writing the following 11 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 (\*).

Just satisfaction

### Bushati and Others v. Albania (application no. 6397/04)

The applicants, Ixhlale Bushati, Skender Bushati and Genc Bushati, are Albanian nationals who were born in 1918, 1939 and 1944 respectively and live in Shkoder. In its principal judgment of 8 December 2009 the Court held that there had been a violation of Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights and of Article 1 of Protocol No. 1 (protection of property) to the Convention on account of the non-enforcement of a court decision in the applicants' favour with regard to a plot of land on the Albanian coast. In its judgment today the Court took note of the respondent Government's unilateral declaration and directed that Albania was to pay the applicants jointly 11,500 euros (EUR) in respect of **non-pecuniary damage**.

### D.D. v. Lithuania (no. 13469/06)

The applicant, D.D., is a Lithuanian national who was born in 1963 and currently lives in a social care home in Kėdainiai (Lithuania). Suffering from schizophrenia, the applicant was legally incapacitated in 2000. Her adoptive father was subsequently appointed her legal guardian and, at his request, she was interned in June 2004. She was then placed in the Kėdainiai care home where she remains to date. Relying on Article 5 §§ 1 and 4 (right to liberty and security), the applicant complained about being admitted to the Kėdainiai care home without her consent and without possibility of judicial review. She also alleged that the proceedings she had brought in 2005 to reopen the proceedings concerning her guardianship as well as to have her legal guardian changed had been unfair, in breach of Article 6 § 1 (right to a fair trial). Further relying on Article 3 (prohibition of inhuman and degrading treatment) she made a number of other complaints about the care home.

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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.

**No violation of Article 5 § 1** (as regards the lawfulness of the applicant's involuntary placement in the Kédainiai Home)

**Violation of Article 5 § 4** (as regards the applicant's inability to obtain her release from the Kédainiai Home)

**Violation of Article 6 § 1** (on account of the unfairness of the guardianship proceedings)

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

## Hadji v. Republic of Moldova (nos. 32844/07 and 41378/07)

The applicant, Iurie Hadji, is a Moldovan national who was born in 1973 and is currently serving a 12-year prison sentence in Bender (Republic of Moldova) for being a member of a criminal gang specialising in car theft. Relying on Article 3 (prohibition of inhuman and degrading treatment), he complained in particular about the conditions of his detention in various detention facilities.

### **Violation of Article 3**

**Just satisfaction:** EUR 3,000 (non-pecuniary damage) and EUR 100 (costs and expenses)

## Shumkova v. Russia (no. 9296/06)

The applicant, Mariya Shumkova, is a Russian national who was born in 1928 and lives in Irkutsk (Russia). The case concerned the suicide in 2001 of Ms Shumkova's 49-year-old son in prison where he had been serving a sentence for murder and perjury. Ms Shumkova alleged that the prison authorities had been responsible for her son's death as, aware that he had a psychiatric disorder with self-harm behaviour, they had failed to take measures to prevent his suicide attempt or, once he had slashed his wrists, to provide adequate medical care. The applicant also alleged that the ensuing investigation into her son's death was inadequate. She relied in particular on Article 2 (right to life).

### **Two violations of Article 2** (right to life and investigation)

**Just satisfaction:** EUR 24,000 (non-pecuniary damage) and EUR 150 (costs and expenses)

## Tkachevy v. Russia (no. 35430/05)

The applicants, Viktor Tkachev and Elvira Tkacheva, husband and wife, are Russian nationals who were born in 1957 and 1966 respectively and live in Moscow. The case concerned their eviction in 2005 from a flat they had owned on Znamenka Street, in the historical area of Moscow near the Kremlin. They alleged in particular that the decision to expropriate the building in the public interest, first in order to expand the Moscow State Art Gallery and then because it had been dangerous, had not been genuine. They claimed that the building had since been repaired and had become a luxury residence. They relied in particular on Article 1 of Protocol No. 1 (protection of property).

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

**Just satisfaction:** The Court held that as regards pecuniary and non-pecuniary damage, the question of just satisfaction was not ready for decision, reserved it in whole and invited the parties to submit, within three months from the date of notification of this judgment, their written observations on this question. It awarded the applicants EUR 24 for costs and expenses.

## Volodarskiy v. Russia (no. 45202/04)

The applicant, Mikhail Volodarskiy, is a Russian national who was born in 1969 and lives in Moscow. The case concerned his allegation that he had been ill-treated in police custody following his arrest on suspicion of assault and theft of a handbag and that the ensuing investigation into his allegation had been inadequate. He relied on Article 3 (prohibition of inhuman and degrading treatment).

**No violation of Article 3** (treatment and investigation)

## Repetitive cases

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

### ***Dimitar Ivanov v. Bulgaria*** (no. 19418/07)

This case concerned the applicant's complaint about the excessive length of criminal proceedings brought against him for robbery and the ban on him leaving Bulgaria pending his rehabilitation. He relied on Article 6 § 1 (right to a fair trial within a reasonable time), Article 13 (right to an effective remedy), and Article 2 of No. 4 (freedom of movement).

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

**Violation of Article 13 in conjunction with Article 6 § 1**

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

### ***Puleva and Radeva v. Bulgaria*** (no. 36265/05)

The applicants, tenants of a council house in Pomorie (Bulgaria), complained about the non-enforcement of a final judgment in their favour for recovery of expenses they had incurred when making major repairs to their house. The applicants relied on Article 6 § 1 (right to a fair trial) and on Article 1 of Protocol No.1 (protection of property).

**Violation of Article 6 § 1**

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

### ***Galazka v. Poland*** (no. 18661/09)

In this case the applicant complained about the excessive length of his pre-trial detention for being involved in organised crime on charges of murder, attempted robbery and drug trafficking. He relied on Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial).

**Violation of Article 5 § 3**

### ***Cioinea v. Romania*** (no. 17009/03)\*

The applicant, Ms Timona Cioinea, is a Romanian national who was born in 1962. She is a bank employee and was placed in pre-trial detention on 30 September 2002 on suspicion of having granted bank loans, in conspiracy with other persons, on the basis of forged documents. Relying on Article 5 § 3, she complained that the domestic courts had failed to justify the need to extend her pre-trial detention.

**Violation of Article 5 §§ 3 and 4**

## Length-of-proceedings cases

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

***Opris and Others v. Romania*** (nos. 29116/03, 33405/04, 43013/05, 7360/06 and 13610/06)

**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.