



Judgments¹ concerning Bulgaria, Hungary, Italy, Latvia, Malta, Poland, Russia and Turkey

The European Court of Human Rights has today notified in writing the following 19 judgments.

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 available only in French are indicated with an asterisk (*).

Ivanov and Petrova v. Bulgaria (application no. 15001/04)*

The applicants, Anastas Ivanov and Hristina Petrova, are two Bulgarian nationals who were born in 1961 and 1966 respectively and live in Plovdiv (Bulgaria). Relying in particular on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights, Mr Ivanov complained about decisions to reject a divorce petition he had filed in order to be able to marry his partner, Ms Petrova.

No violation of Article 6

Zoltán Németh v. Hungary (no. 29436/05)

The applicant, Zoltán Németh, is a Hungarian national who was born in 1958 and lives in Szigetszentmárton (Hungary). Relying in particular on Article 8 (right to respect for private and family life and the home) he complained about the insufficient measures taken by the Hungarian authorities to enforce access rights to his son, born in 1993. Difficulties in maintaining contact first arose in 1998 when he divorced the child's mother and it appears that he has not seen his son at all since 2005, his former wife totally refusing to let him have access.

Violation of Article 8

Just satisfaction: 20,000 euros (EUR) (non-pecuniary damage)

Leja v. Latvia (no. 71072/01)

The applicant, Juris Leja, is a Latvian national who was born in 1946 and lives in Rīga. The case concerned Mr Leja's complaint about the conditions of his detention while serving an eight-year prison sentence for burglary and drink-driving. He notably alleged that in September 2005 he had been placed in a punishment cell where the conditions had been intentionally aggravated and where he had been regularly subjected to strip searches. He also alleged that the authorities had failed to carry out an effective

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.

investigation into his complaints. He relied on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy). Further relying on Article 34 (right of individual petition), he also alleged that certain letters he had addressed to the European Court in 1998 and 2000 had never been dispatched, one of them even having been forwarded to the Prosecution authorities who had dismissed his complaints about his detention conditions as unfounded.

Violation of Article 34; remainder of the complaints inadmissible

Just satisfaction: EUR 1,000 (non-pecuniary damage) and EUR 64 (costs and expenses)

Just satisfaction

Gatt v. Malta (no. 28221/08)

The applicant, Lawrence Gatt, is a Maltese national, born in 1947, and until his imprisonment on 28 July 2006, lived in Senglea (Malta). The case concerned the imprisonment-in-default system in Malta. In its [judgment](#) of 27 July 2010, the Court held that there had been a violation of Article 5 § 1 (right to liberty and security) as it found that detaining Mr Gatt – who was facing drug trafficking proceedings – for 2000 days for breaching his bail conditions had been excessive. As a result of that judgment he has since been released, in August 2010. In its judgment today, the Court noted that by a letter of 17 December 2010 the applicant submitted that he was satisfied with the outcome of his case. However, noting that the relevant law had not yet been amended, he invited the Court to provide guidelines in this respect. The remainder of the application was struck out of the list of cases.

Mercieca and Others v. Malta (no. 21974/07)

The applicants, Paul Mercieca, Andrew Manduca, Raphael Aloisio, Steve Cachia, Stephen Paris, Malcolm Booker and Edward Camilleri are seven Maltese nationals, who were born in 1952, 1954, 1961, 1960, 1964, 1963 and 1945 respectively and live in Malta. They are certified public accountants and are partners in an audit firm. The case concerned proceedings brought against them concerning accusations of negligence and fraud when drawing up an audit report and financial statements. The time the applicants had been given to appeal against the preliminary judgment had been reduced from 20 to nine days and they alleged that this restrictive interpretation of the rules on time-limits had meant that they had been effectively denied any right to lodge an appeal, in breach of Article 6 § 1 (right of access to a court).

(All applicants) Violation of Article 6 § 1 (fairness)

Just satisfaction: EUR 6,000 (costs and expenses), jointly

Mościcki v. Poland (no. 52443/07)

The applicant, Jacek Mościcki, is a Polish national who was born in 1939 and lives in Koszalin (Poland). The case concerned so-called “lustration proceedings” brought against him in 2005, which, introduced in Poland in April 1997, aimed at exposing those who had worked for or collaborated with the State’s security services during the communist period. As a result, Mr Mościcki, a lawyer, had lost his right to practice as an advocate. Relying in particular on Article 6 §§ 1 and 3 (right to a fair trial), he complained that the lustration proceedings against him had not been fair, as he had only had restricted access to the classified documents in the case file and as the courts had refused to hear a number of witnesses he had named.

Violation of Article 6 § 1 in conjunction with Article 6 § 3 (fairness)

Just satisfaction: the finding of a violation constitutes sufficient just satisfaction for non-pecuniary damage and EUR 1,500 (costs and expenses)

Just satisfaction

Denisova and Moiseyeva v. Russia (no. 16903/03)

The applicants, Nataliya Denisova, and her daughter, Nadezhda Moiseyeva, are Russian nationals who were born in 1949 and 1978 respectively. They are the wife and daughter of Valentin Moiseyev, who was also an applicant before the Court (application no. 62936/00). In a [judgment](#) of 1 April 2010, the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) because the applicants had not had an opportunity to challenge effectively a confiscation measure – in respect of the spousal portion of the first applicant and of the computer owned by the second applicant – issued in 1998 in criminal proceedings against the applicants' husband and father for treason to which they had not been parties. In its judgment today, the Court awarded the applicants, jointly, EUR 8,000 in respect of non-pecuniary damage and EUR 496.80 for costs and expenses.

Khanamirova v. Russia (no. 21353/10)

The applicant, Diana Khanamirova, is a Russian national who was born in 1987 and lives in Gereykhanova (Republic of Dagestan, Russia). Relying on Article 8 (right to respect for private and family life and the home) she complained that the authorities had failed to enforce a 2008 judgment granting her custody of her son, born in 2007. The child continues to live with Ms Khanamirova's former husband, whom she divorced in 2008 and who refused to transfer the child to her.

Violation of Article 8

Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 950 (costs and expenses)

Petr Sevastyanov v. Russia (no. 75911/01)

The applicant, Petr Sevastyanov, is a Russian national who was born in 1973 and lives in Moscow. Convicted of a drug-related offence in 2001, he complained, under Article 6 § 1 (right to a fair trial), that the criminal proceedings against him had been unfair. In particular, he alleged that the composition of the trial court had been unlawful and that one of the lay judges sitting in his case had not been independent, as he had worked at the same court as a clerk and had not been discharged of his functions during the trial.

Violation of Article 6 § 1 (fairness) (composition of the trial court)

Just satisfaction: EUR 3,000 (non-pecuniary damage)

Aygün v. Turkey (no. 35658/06)*

The applicants, Zülfü Aygün and Sıraç Aygün, are two Turkish nationals who were born in 1946 and 1956 respectively and live in Diyarbakır (Turkey). Relying in particular on Article 1 of Protocol No. 1 (protection of property), they complained that they had lost all use of their land, which had become inaccessible following the building of a dam in Dicle, and that the administrative authorities had not formally expropriated the land or awarded them compensation. They also complained about the national courts' assessment of evidence.

Violation of Article 1 of Protocol No. 1

Just satisfaction:

- pecuniary damage: to Zülfü Aygün EUR 13,175, and to Sıraç Aygün EUR 5,945
- costs and expenses: EUR 1,500, jointly

Şat v. Turkey (no. 34993/05)*

The applicant, Mahir Şat, is a Turkish national who was born in 1963 and lives in Izmir (Turkey). Relying on Article 1 of Protocol No. 1 (protection of property), he complained that the administrative authorities had occupied his land for many years without a formally valid expropriation order. He further alleged that the domestic courts' decision to apply the statutory rate of default interest to the sum he had been owed instead of the maximum rate applicable to public debts, as defined in Article 46 of the Constitution, had led to a reduction in the amount of compensation payable to him. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time), he also complained of the late payment by the authorities of the compensation awarded to him in a final court decision.

Violation of Article 6 § 1 (length); remainder of the complaints inadmissible

Just satisfaction: EUR 1,800 (non-pecuniary damage)

Repetitive cases

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

Casolaro Cammilletti v. Italy (no. 37178/02)*

de Stefano and Others v. Italy (no. 72795/01)*

Iandoli v. Italy (no. 67992/01)*

Rivera and di Bonaventura v. Italy (no. 63869/00)*

In these cases, the applicants complained that the authorities had unlawfully occupied their land without any formal expropriation or compensation. They relied in particular on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1 – all cases

Skurat v. Poland (no. 26451/07)

This case concerned the applicant's complaints about the excessive length of his pre-trial detention for drug trafficking as well as of the criminal proceedings brought against him for assisting in counterfeiting a secondary education diploma. He relied in particular on Article 6 § 1 (right to a fair trial within a reasonable time).

Violation of Article 6 § 1 (length)

Length-of-proceedings cases

In the following cases, the applicants complained in particular about the excessive length of legal proceedings.

Criminal proceedings

Bodor v. Hungary (no. 31181/07)

This case concerned in particular the applicant's complaint concerning the excessive length of criminal proceedings brought against him for fraud and forgery.

Violation of Article 6 § 1

Non-criminal proceedings

Hegy v. Hungary (no. 9254/07)

Kelemen v. Hungary (no. 16033/06)

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.