



## Judgments concerning Armenia, Bulgaria, Bosnia and Herzegovina, Italy, Latvia, Moldova, Poland and Turkey

The European Court of Human Rights has today notified in writing the following nine judgments, four 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

#### Hovhannisyan and Shiroyan v. Armenia (application no. 5065/06)

The applicants are three Armenian nationals who live in Yerevan. Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, they complained about the State's expropriation of their flat and house in Yerevan to carry out construction projects. In its principal judgment, delivered on 20 July 2010, the Court held that the deprivation of the applicants' possessions had not been compatible with the principle of lawfulness and that there had accordingly been a violation of Article 1 of Protocol No. 1. In today's judgment, the Court awarded the applicants 12 500 euros (EUR) for pecuniary damage, EUR 6,000 for non-pecuniary damage and EUR 45 to Mr Hovhannisyan for costs and expenses.

#### M.P. and Others v. Bulgaria (no. 22457/08)

The applicants, M.P., M.M.P. and M.D., Bulgarian nationals, were born in 1974, 2003 and 1953 respectively. M.P. is also a Greek national, and lives in Greece. He is the father of M.M.P., who lives with his mother and stepfather in Sofia. M.D. was the maternal grandmother of M.M.P.; she died in February 2011. The applicants alleged that M.M.P. had been sexually abused by his stepfather, criminal proceedings against whom have been discontinued. Relying in particular on Articles 3 (prohibition of inhuman and degrading treatment) and 8 (right to respect for private and family life) of the Convention, the applicants complained that the State had failed to protect M.M.P. from inhuman and degrading treatment due to the slow and ineffective investigation into the allegations of sexual abuse and due to the fact that M.M.P. continued to live with his stepfather as the authorities had refused to remove him from his step-father's home. Relying on Article 3 and Article 13 (right to an effective remedy), M.P. further complained that he himself had been subjected to inhuman and degrading treatment as

<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.

a result of not being given sufficient information about the progress of the criminal proceedings. Finally, the applicants complained, in particular under Article 8, that the authorities had failed to facilitate meetings between them.

**No violation of Article 3**  
**No violation of Article 8**

### Longa Yonkeu v. Latvia (no. 57229/09)

The applicant, Guy Walter Longa Yonkeu, is a Cameroonian national who was born in 1984. He entered the European Union through Latvia and, after he requested asylum in Lithuania, he was transferred back to Latvia in December 2008. In January 2010, the Latvian authorities deported him to Cameroon after his two unsuccessful asylum applications. He complained that his detention in Latvia, between December 2008 and January 2010, in a closed facility for illegal immigrants and asylum seekers violated Article 5 §§ 1, 2 and 4 (right to liberty and security). In particular, he claimed that he had been detained for too long as a result of legal provisions which failed to provide sufficient safeguards against arbitrariness; he also complained that he had not been provided with copies of some of the detention orders issued by the courts and that the asylum proceedings had not been conducted with due diligence.

**Violation of Article 5 § 1** (concerning the applicant's detention from 20 May to 16 September 2009 and from 23 October to 2 November 2009, and on account of the arbitrariness of the applicant's detention during his deportation to Cameroon)

**No violation of Article 5 § 1** (concerning the applicant's detention from 23 December 2008 to 20 May 2009, from 16 September to 23 October 2009 and from 2 November 2009 to 9 January 2010)

**Just satisfaction:** EUR 9,000 (non-pecuniary damage)

### Semik-Orzech v. Poland (no. 39900/06)

The applicant, Teresa Semik-Orzech, is a Polish national who was born in 1955 and lives in Katowice (Poland). Working as a journalist for a newspaper, she alleged, in an article published in December 2002, that the lawyer representing the accused in a major criminal case had failed to meet his professional obligations and to act diligently. In civil defamation proceedings brought by the lawyer against Ms Semik-Orzech, the domestic courts found against her. As a result, the newspaper was obliged to publish an apology and a rectification. Ms Semik-Orzech alleged that the courts' decisions had violated her rights under Article 10 (freedom of expression).

**No violation of Article 10**

### Repetitive cases

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

**Runić and Others v. Bosnia and Herzegovina** (nos. 28735/06, 44534/06, 48133/06, 1474/07, 48205/07, 48206/07, 48211/07, 48234/07, 48251/07, 55672/07, 4244/08, 4581/08, 9954/08, 14270/08, 14283/08, 17165/08, 17727/08, 20841/08, 30890/08, 34354/08, 34361/08, 37854/08, 39190/08, 39197/08, 39207/08, 47248/10 and 47314/10)

The case concerned the domestic authorities' failure to enforce final judgments awarding the applicants compensation for war damage. 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**

## Violation of Article 1 of Protocol No. 1

### ***Cojocaru v. Moldova*** (no. 35251/04)\*

This case concerned the annulment of a final decision in the applicant's favour. He relied on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

## Violation of Article 6

## Violation of Article 1 of Protocol No. 1

### ***Mistreanu v. Moldova*** (no. 27261/04)\*

This case concerned the failure to enforce a final judgment in the applicant's favour. He relied on Article 6 § 1 (right of access to a court) and on Article 1 of Protocol No. 1 (protection of property).

## Violation of Article 6

## Violation of Article 1 of Protocol No. 1

## Length-of-proceedings cases

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

### ***Facchiano and Maio v. Italy*** (no. 699/03)\*

### ***Afşar v. Turkey*** (no. 26998/04)

## Violation of Article 6 § 1 in 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.