



Judgments¹ concerning Austria, Azerbaijan, Bulgaria, Greece, the Republic of Moldova, Montenegro, Poland, Romania and Turkey

The European Court of Human Rights has today notified in writing the following 25 judgments, of which 13 (in italics) are Committee judgments and are final. The others are Chamber judgments and are not final.

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 (*).

Steininger v. Austria (application no. 21539/07)

The applicant, company Franz Steininger, is a cattle and pig slaughter business based in Ernstbrunn (Austria). In May 2006, it was ordered to pay outstanding contributions for agricultural marketing charges, plus surcharges. Relying on Article 6 § 1 (right to a fair trial – right of access to court) of the European Convention on Human Rights, the applicant company complained, in particular, that there had been no tribunal in the proceedings concerning the decision to impose surcharges.

Violation of Article 6 § 1

Just satisfaction: EUR 3,679.44 (costs and expenses)

Rizvanov v. Azerbaijan (no. 31805/06)

The applicant, Sarvan Samad oglu Rizvanov, is an Azerbaijani national who was born in 1966 in Gabala, Azerbaijan, and lives in Germany. A former journalist, he alleged that a police officer had hit him with a truncheon in November 2005 while he was covering a demonstration in Baku held by a group of opposition political parties. He also alleged that the ensuing investigation into the incident had been ineffective. He relied in particular on Article 3 (prohibition of inhuman or degrading treatment; effective investigation).

Violation of Article 3 (ill-treatment by the police)

Violation Article 3 (lack of effective investigation)

Just satisfaction: EUR 4,500 (non-pecuniary damage) and EUR 3,000 (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

² In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

Sarkizov and Others v. Bulgaria (no. 37981/06)

The applicants, Dimitar Alexandrov Sarkizov, Vasil Petrov Vasilev, Dimitar Petkov Petkov and Kiril Dimitrov Marinkov, are Bulgarian nationals who were born in 1973, 1974, 1978 and 1967 respectively. The first three applicants live in Pazardzhik (Bulgaria) and the fourth in Lozen (Bulgaria). The case concerned their complaint that their conviction in March 2006 of sexual procurement had been based to a decisive degree on the testimony of three anonymous witnesses, namely the women they had allegedly incited into prostitution, and that the applicants' defence rights had therefore been unacceptably restricted. They relied on Article 6 §§ 1 and 3 (d) (right to a fair trial – right to obtain attendance and examination of witnesses). Further relying, in particular, on Article 2 of Protocol No. 4 (freedom of movement), Mr Vasilev and Mr Marinkov also complained that, having served three and five years of imprisonment respectively, they had been banned from leaving the country on being released.

No Violation of Article 6 §§ 1 and 3 (d) (in respect of all applicants)

Violation of Article 2 of Protocol No. 4 (in respect of the second and the fourth applicant)

Just satisfaction: The Court held that the finding of a violation of Article 2 of Protocol No. 4 constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the second and the fourth applicants; EUR 1,000 (costs and expenses).

Melis v. Greece (no. 30604/07)*

Just satisfaction

The applicant, Nikolaos Melis, is a United States national of Greek origin, who was born in 1929 and lives in New York. Relying on Article 6 § 1 (right of access to a court), he complained that his application to reopen civil proceedings which, in his view, had been flawed as a result of false evidence (given by a witness who had been convicted on that account) had been rejected as being out of time. In a judgment on the merits, of 22 July 2010, the Court found that there had been a violation of Article 6 § 1. Today's judgment concerned the question of just satisfaction under Article 41.

Just satisfaction: EUR 25,000 (pecuniary and non-pecuniary damage)

Culev v. Republic of Moldova (no. 60179/09)

The applicant, Vasile Culev, is a Moldovan national who was born in 1961 and is currently serving a seven-year-and-two-month prison sentence in Chişinău for various offences, including forgery, possessing marijuana and selling counterfeit foreign currency. Relying, in particular, on Article 3 (prohibition of inhuman and degrading treatment), Mr Culev complained about the inhuman conditions of his detention, in particular on account of overcrowding. Further relying on Article 5 (right to liberty and security), he also complained that the national courts had not deducted from his prison term the time he had spent in detention pending trial.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Just satisfaction: EUR 4,500 (non-pecuniary damage) and EUR 300 (costs and expenses)

Tomic and Others v. Montenegro (no. 18650/09)

The applicants, Miodrag Tomić, Čedomir Čabarkapa, Aleksandar Đukanović, Miraš Furtula, Dragica Piper, Srđan Piper, Mirela Piper, Nenad Zindović, Zoran Ulićević, Dragoljub Milačić, Vaso Jovanović and Zoran Raković are 12 Montenegrin nationals who

were born in 1956, 1958, 1948, 1950, 1954, 1987, 1993, 1962, 1954, 1956, 1962 and 1966 respectively. Employees of Podgorica Aluminium Plant, they were all declared unfit for their jobs partly due to a work-related illness and made redundant in November 2005. The case concerned the domestic courts' rejection of their ensuing claims, in which they had sought the difference between their disability pension and the salary they would have received if they had not been made redundant. In particular, they alleged that their claims had been rejected whereas identical claims brought by some of their colleagues had been allowed. They relied in particular on Article 6 § 1 (right to a fair trial).

No violation of Article 6 § 1

Mamelka v. Poland (no. 16761/07)

The applicant, Wieńczysław Mamelka, is a Polish national who was born in 1962 and lives in Łódź (Poland). Relying on Article 5 § 1 (right to liberty and security), he complained that it had taken seven days to release him from prison – where he was serving a sentence for offences committed as a member of an organised criminal gang – despite a court decision in February 2007 granting him conditional release.

Violation of Article 5 § 1 (lawfulness of detention)

Just satisfaction: EUR 2,000 (non-pecuniary damage)

Fafrowicz v. Poland (no. 43609/07)

The applicant, Robert Fařrowicz, is a Polish national who was born in 1971 and lives in Nowy Sącz (Poland). Relying on Article 6 § 1 (right to a fair trial) and 6 § 3 (d) (right to a fair trial – right to obtain attendance and examination of witnesses), he complained about the unfairness of proceedings brought against him for offering and selling drugs. He notably alleged that he had not been given the opportunity to cross-examine the main witness, a minor, whose evidence served to convict him in November 2006.

No violation of Article 6 § 1 in conjunction with Article 6 § 3 (d)

Pascal v. Romania (no. 805/09)

The applicant, David Denis Pierre Pascal, is a French national who was born in 1976 and lives in Cluj Napoca (Romania). The case concerned his complaint about the non-enforcement of court decisions granting him visiting rights to his 8-year-old daughter since divorcing her mother in 2007. He relied on Article 8 (right to respect for private and family life).

No violation of Article 8

Catal v. Turkey (no. 26808/08)

The applicant, Hasan Çatal, is a Turkish national who was born in 1962 and lives in Tokat (Turkey). Arrested in March 1997 on suspicion of being a member of an illegal organisation and taking part in a bank robbery, he was detained awaiting trial and was later charged with attempting to overturn the constitutional system by force. Relying on Article 5 §§ 3 and 4 (right to liberty and security), Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy), Mr Çatal complained that his pre-trial detention had been too long, that his requests for release had been rejected on purely formal grounds, that he could not effectively challenge his continued detention, and that the criminal proceedings against him had been too long.

Violation of Article 5 § 3 (length of pre-trial detention)

No violation of Article 5 § 4 (absence of an oral hearing in the review of the applicant's continued detention before the appeal court)

Violation of Article 5 § 4 (non-communication to the applicant or his lawyer of the public prosecutor's opinion in the review of the applicant's continued detention)

Violation of Article 6 § 1 (length of criminal proceedings)

Violation of Article 13 (absence of a domestic remedy for the excessive length of proceedings)

Just satisfaction: EUR 15,500 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Repetitive cases

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

Jomiru and Cretu v. Republic of Moldova (no. 28430/06)*

The applicants, Mrs Ana Jomiru, Mr Corneliu Crețu, Mr Iulian Crețu and Mrs Liliana Jomiru, are Moldovan nationals who were born in 1949, 1975, 1983 and 1987 respectively and live in Chișinău (Moldova). The first applicant is the mother of the other three applicants. They submitted that the questioning of final decisions in their favour pronounced by the Court of Appeal and the Supreme Court of Justice had been contrary to the principle of legal certainty and had violated their right to respect for their property. They relied on Article 6 § 1 (right to a fair hearing – legal certainty) and on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 6

Violation of Article 1 of Protocol No. 1

Inotlewski v. Poland (no. 22668/09)

Kedra v. Poland (no. 57944/08)

Korgul v. Poland (no. 35916/08)

Tomczykowski v. Poland (no. 34164/05)

In the above four cases, all the applicants complained that they had been denied access to the Supreme Administrative Court on account of difficulties with lodging cassation appeals in their cases. They relied on Article 6 § 1 (right of access to court).

Violation of Article 6 § 1 – in the case of Korgul v. Poland

No violation of Article 6 § 1 – in the other three cases

Simonov v. Poland (no. 45255/07)

The applicant in this case complained about the excessive length of his pre-trial detention on suspicion of fraud and incitement to murder. He relied on Article 5 § 3 (right to liberty and security).

No violation of Article 5 § 3

Hermeziu v. Romania (no. 13859/03)*

The applicant, Cristina-Adriana Hermeziu, was born in 1969 and lives in Bacău (Romania). She was arrested by the National Anti-corruption Prosecutor's Office and remanded in custody on suspicion of having committed several economic offences. Her detention was subsequently extended every thirty days. Relying on Article 5 § 1 (right to liberty and security), Ms Hermeziu alleged that in some cases the extensions had been made with no legal basis. Relying in particular on Article 5 § 4 (right to liberty and security), she complained that an appeal she had lodged against one of the decisions was declared inadmissible by the Supreme Court of Justice.

Violation of Article 5 § 4

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 civil proceedings.

Barthofer v. Austria (no. 41113/08)

Bachas v. Greece (no. 54703/09)*

Zanni v. Greece (no. 45481/09)*

Violation of Article 6 § 1 in all cases

Violation of Article 13 in the case of *Bachas v. Greece*

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 criminal proceedings.

Hatziioannidis v. Greece (no. 51906/09)*

Limos and Kalafatis v. Greece (no. 45658/09)*

Lambadaris v. Greece (no. 47112/09)*

Mitreliis v. Greece (no. 45602/09)*

Petridou-Katakaidou v. Greece (no. 3463/09)*

Violation of Article 6 § 1 in all cases

Violation of Article 13 in cases *Limos and Kalafatis v. Greece*, *Lambadaris v. Greece* and *Mitreliis v. Greece*

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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.