



Judgments¹ concerning Greece, Latvia, Poland, Portugal, Romania, Russia, Serbia, “the former Yugoslav Republic of Macedonia” and Turkey

The European Court of Human Rights has today notified in writing the following 17 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 (*).

Gasiņš v. Latvia (application no. 69458/01)*

The applicant, Ivars Gasiņš, is a Latvian national who was born in 1972 and is habitually resident in the Bauska district (Latvia) but is currently in prison. He was arrested in 2000 and prosecuted for murder. He was convicted at first instance in 2003, but the proceedings are still pending on appeal. Relying on Article 5 (right to liberty and security) of the European Convention on Human Rights, he submitted four separate complaints concerning the lawfulness of his detention. Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) of the Convention, he further complained that the length of the criminal proceedings against him had been excessive. In addition, Mr Gasiņš contended, under Article 6 § 3 (right to a fair hearing) in particular, that he had not been informed promptly and in detail of the nature and cause of the accusation against him, and that he had not been granted free legal assistance.

Violation of Article 5 § 1 (detention from 1 to 25 March 2001)

No violation of Article 5 § 2

Violation of Article 5 §§ 3 and 4

No violation of Article 6 §§ 1 and 3 (a)

Just satisfaction: no claim made by the applicant within time-limit

Elcomp sp. z o.o. v. Poland (no. 37492/05)

The applicant, Elcomp sp. z o.o., is a limited liability company based in Warsaw. Relying on Article 6 § 1 (access to court), the applicant company complains about the excessive court fees it was ordered to pay to lodge a claim against another company for payment of 38,500 euros (EUR).

No violation of Article 6 § 1

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.

Moczulski v. Poland (no. 49974/08)
Tomasz Kwiatkowski v. Poland (no. 24254/05)

The applicants are two Polish nationals, Robert Leszek Moczulski, who was born in 1930 and lives in Warsaw, and Tomasz Kwiatkowski, who was born in 1948 and lives in Konstancin-Jeziorna (Poland). Both cases concerned so-called "lustration proceedings" brought against the applicants 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 Moczulski was barred from being a Member of Parliament and Mr Kwiatkowski, an advocate, was removed from the Bar Association. Relying on Article 6 §§ 1 and 3 (right to a fair trial), they alleged that the lustration proceedings against them had been unfair due to document confidentiality and limitations on access to their case files.

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

Just satisfaction:

- non-pecuniary damage: Mr Moczulski, the finding of a violation sufficient just satisfaction; Mr Kwiatkowski, dismissed
- costs and expenses: Mr Moczulski, EUR 1,500; no claim made by Mr Kwiatkowski

Pastor and Țiclete v. Romania (nos. 30911/06 and 40967/06)

The applicants, Gheorghe Pastor and Roxana Țiclete, are two Romanian nationals who were born in 1957 and 1967 respectively and live in Cluj-Napoca (Romania). The case concerned the violent crushing of an anti-communist demonstration held in Cluj-Napoca in December 1989. Ms Roxana Țiclete's husband, along with 25 others, was killed during the demonstration; Mr Pastor and 52 others were shot and received bullet wounds. Relying in particular on Article 2 (right to life), the applicants alleged that the length of the criminal proceedings – ending in March 2006 – brought against those responsible for the violence had been excessive and had therefore rendered the whole investigation ineffective.

Violation of Article 2 (lack of effective investigation)

Just satisfaction:

- non-pecuniary damage: EUR 10,000, each
- costs and expenses: EUR 751 to Mr Pastor

Baturlova v. Russia (no. 33188/08)
Khrykin v. Russia (no. 33186/08)

The applicants, Valentina Baturlov and Ivan Khrykin, are two Russian nationals who were born in 1946 and 1934 respectively and live in Elektrostal (the Moscow Region, Russia). Both cases concerned the applicants' complaints about the quashing of final judgments in their favour – uprating their retirement pensions – on the ground of newly discovered circumstances. They relied on Article 6 § 1 (right to a fair hearing) and Article 1 of Protocol No. 1 (protection of property).

(Both cases) Two violations of Article 6 § 1 (fairness)

(Both cases) Violation of Article 1 of Protocol No. 1

Just satisfaction:

- non-pecuniary damage: EUR 7,000, each
- costs and expenses: EUR 6 to Ms Baturlova and EUR 10 to Mr Khrykin

Veljkov v. Serbia (no. 23087/07)

The applicant, Rajka Veljkov (formerly Mičić), is a Serbian national who was born in 1958 and lives in Jadranska Lešnica (Serbia). The case concerned child custody/maintenance proceedings with regard to her daughter, born in 2002, which have been pending since the beginning of 2006 when Ms Veljkov left her partner. She complained notably that she has not been able to establish a relationship with her daughter, who has continued to live with her father, due to the length of those proceedings and because interim access orders issued in June and December 2006 have not been enforced. She relied in particular on Article 6 § 1 (right to a fair hearing within a reasonable time).

Violation of Article 6 § 1 (length)

Just satisfaction: EUR 2,600 (non-pecuniary damage) and EUR 1,300 (costs and expenses)

Atanasov v. "the former Yugoslav Republic of Macedonia" (No. 2) (no. 41188/06)

The applicant, Sande Atanasov, is a Macedonian national who was born in 1959 and lives in Negotino ("the former Yugoslav Republic of Macedonia"). The case concerned Mr Atanasov's conviction and sentencing to three years' suspended imprisonment for defamation following the publication of a letter which had criticised his former employer's – a cable-production company in Negotino – treatment of its employees and shareholders. Mr Atanasov claimed that the letter had been published without his permission. Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial), he complained that, in the criminal proceedings against him, he had not been allowed to examine the only witness against him, namely the person who had confirmed that he had been the author of the letter.

Violation of Article 6 §§ 1 and 3 (d) (fairness)

Just satisfaction: EUR 3,200 (non-pecuniary damage)

Erkol v. Turkey (no. 50172/06)

The applicant, Engin Erkol, is a Turkish national who was born in 1968 and lives in Trabzon (Turkey). A former security van driver for a private bank in Turkey (Akbank), Mr Erkol had criminal proceedings brought against him in 1998 for breach of trust when 20,000 Turkish liras (approximately EUR 10,000) went missing on a run between two branches of the bank. The criminal proceedings against him were subsequently suspended, a law (no. 4616) having entered into force in Turkey which suspended criminal cases for certain offences committed before April 1999. Relying in particular on Article 6 § 2 (presumption of innocence), he complained in particular that, both in the criminal proceedings against him as well as in his ensuing compensation claim regarding his dismissal, the domestic courts had stated that he had committed the offence in question, thus casting doubt over his innocence.

Violation of Article 6 § 2 (fairness)

Just satisfaction: EUR 7,200 (non-pecuniary damage) and EUR 431 (costs and expenses)

Repetitive cases

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

Just satisfaction

Monteiro de Barros de Mattos e Silva Adegas Coelho and Others v. Portugal
(no. 25038/06)*

In a judgment of 13 July 2010 the Court found a violation of Article 1 of Protocol No. 1 (protection of property) on account of the delay in calculating and paying the compensation awarded to the applicants for the expropriation of their property under the agrarian reform in Portugal. In its judgment today, the Court awarded the applicants a total sum of EUR 255,800 (sums ranging per applicant between EUR 10,800 and EUR 56,400) for pecuniary damage, and EUR 1,000, jointly, for non-pecuniary damage.

Rykachev and Others v. Russia (no. 52283/07, 27824/09, 27834/09, 27843/09, 27847/09, 27907/09, 27911/09, 27918/09, 27923/09, 28034/09 and 28039/09)*

This case concerned the delayed enforcement of judgments awarding the applicants housing benefit. They relied on Article 6 § 1 (right to a fair hearing), Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy).

Violation of Article 6 § 1 (fairness)

Violation of Article 1 of Protocol No. 1

Revision**Veli Yalçın v. Turkey** (no. 29459/05)*

In a judgment of 2 March 2010 the Court found a violation of Article 6 § 1 on account of the length of compensation proceedings and the failure to provide the applicant with a copy of the opinion submitted to the Court of Cassation by the Principal Public Prosecutor. The representative of the late Mr Yalçın requested revision of this judgment, having been unable to secure its enforcement because the applicant died before the judgment was adopted. In its judgment today, the Court awarded the heirs of the late Mr Yalçın, jointly, EUR 3,600 in respect of non-pecuniary damage.

Length-of-proceedings cases

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

Criminal**Chrysanthopoulos and Chrysanthopoulou v. Greece** (no. 6530/09)***Patrikis v. Greece** (no. 5856/09)*

These cases concerned in particular the applicants' complaint concerning the excessive length of criminal proceedings brought against them for indecent assault on minors (the first case) and premeditated murder (the second case).

Violation of Article 6 § 1 – both cases

Violation of Article 13 – first case

Non-criminal**Kon/nos Chitzos Solinourgia Abee v. Greece** (no. 56814/08)***Volodina v. Russia** (no. 24411/05)

Violation of Article 6 § 1 – both cases

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on its [Internet site](#). To receive the Court's press releases, please subscribe to the [Court's RSS feeds](#).

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Emma Hellyer (tel: + 33 3 90 21 42 15)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Kristina Pencheva-Malinowski (tel: + 33 3 88 41 35 70)

Frédéric Dolt (tel: + 33 3 90 21 53 39)

Nina Salomon (tel: + 33 3 90 21 49 79)

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.