



Judgments¹ concerning Belgium, Hungary, Lithuania, Poland and Turkey

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

One repetitive case² 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 (*).

Faniel v. Belgium (application no. 11892/08)*

The applicant, Michel Faniel, is a Belgian national who was born in 1965 and lives in Modave (Belgium). He was sentenced in his absence to six months' imprisonment for failing to present his daughter in accordance with the child-custody arrangements. Relying in particular on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights, he complained that he had been deprived of his right of access to a court, as he had not been informed of the relevant formalities and time-limits in order to lodge an appeal against that judgment.

Violation of Article 6 § 1 (fairness)

Just satisfaction: 3,000 euros (EUR) (non-pecuniary damage) and EUR 1,255 (costs and expenses)

Lalas v. Lithuania (no. 13109/04)

The applicant, Marius Lalas, is a Lithuanian national who was born in 1978. He is currently in hiding. The case concerned Mr Lalas' complaint that an undercover police officer had entrapped him into supplying drugs in June 2002 and that subsequently he had been unfairly convicted and sentenced to three years' imprisonment. He further complained that certain essential evidence – notably the official document authorising the undercover operation – had not been disclosed at his trial. He relied on Article 6 § 1 (right to a fair trial within a reasonable time) of the Convention.

Violation of Article 6 § 1 (fairness)

Just satisfaction: the finding of a violation constitutes in itself a sufficient just satisfaction (non-pecuniary damage). The Court also recalled that, where an individual had been convicted by a court in unfair proceedings, a retrial or reopening of the case represented in principle an appropriate way of redressing the violation.

1 Under Articles 43 and 44 of the Convention, these Chamber judgments are not final. During the three-month period following their 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.

Welke and Białek v. Poland (no. 15924/05)

The applicants, Dorota Welke and Paweł Białek, are Polish nationals who were born in 1974 and 1977 respectively and live in Kielce (Poland). Relying in particular on Article 6 §§ 1 and 3 (right to a fair trial), they complained about the unfairness of criminal proceedings brought against them in which they had been convicted of drug trafficking. Among other things, they alleged that evidence obtained by covert police operations (secret recordings and interception of a parcel containing cocaine), although eventually excluded by the trial court, had influenced the outcome of their case.

No violation of Article 6 §§ 1 and 3

Kaba and Others v. Turkey (no. 1236/05)

The applicants, Havva Kaba, Edanur Kaba and Elif Kaba, are three Turkish nationals who were born in 1978, 2001 and 1997 respectively and live in Istanbul. They are the widow and daughters of Yusuf Kaba who, an officer in the Turkish Navy, died in 2003 of cancer. The case concerned the applicants' complaint that they had been unable to bring compensation proceedings before the Turkish courts for the death of their husband and father, which they alleged had been caused by exposure to asbestos at Hasköy Dock, as they could not afford to pay the court fees and had been refused legal aid. They relied on Article 6 § 1 (right of access to a court).

Violation of Article 6 § 1 (fairness)

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

Nevruz Bozkurt v. Turkey (no. 27335/04)*

The applicant, Nevruz Bozkurt, is a Turkish national who was born in 1977. She was arrested in 1999 on suspicion of belonging to the PKK (Kurdistan Workers' Party, an illegal armed organisation), of having coordinated the levying of a revolutionary tax and of having taken part in a firearm attack after a wedding, in which a former village guard had been killed. In 2003 she was sentenced to life imprisonment for carrying out actions aimed at the separation of part of Turkish territory, including participation in the murder of a guard during a terrorist attack. Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial), she complained in particular about the composition of the State Security Court before which she had been tried, the absence of a lawyer during her police custody and the failure to notify her of the opinion of the Principal Public Prosecutor at the Court of Cassation.

Two violations of Article 6 § 1 (composition of the State Security Court; failure to give notification of the opinion of the Principal Public Prosecutor)

Violation of Article 6 § 3 (c) in conjunction with Article 6 § 1 (absence of a lawyer)

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

Repetitive case

The following case raises an issue which has already been submitted to the Court.

Sever v. Turkey (no. 29195/05)*

In this case the applicant complained that the authorities had deprived him of his property without paying compensation. He relied on Article 1 of Protocol No. 1 (protection of property).

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.

Csánics v. Hungary (no. 40293/06)

Czigányik v. Hungary (no. 38636/06)

Lantos v. Hungary (no. 33807/07)

Violation of Article 6 § 1 – all three 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.