



Judgments¹ concerning Albania, Bulgaria, Hungary Romania, Russia and Turkey

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

Caush Driza v. Albania (application no. 10810/05)

The applicant, Çauş Driza, is an Albanian national who was born in 1943 and lives in Fier (Albania). His case concerned the non-enforcement of a final court decision awarding compensation in-kind to him and his siblings for the value of a plot of land owned by the family, which the authorities had confiscated in 1947. Relying on Article 6 § 1 (right to a fair hearing), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, he complained that the proceedings had been unfair and that the authorities had failed to enforce the final decision in his favour.

Violation of Article 6 § 1 (fairness)

Violation of Article 13

Violation of Article 1 of Protocol No. 1

Just satisfaction: dismissed. The State authorities should secure the enforcement of the final court decision in the applicant's favour.

Marinov v. Bulgaria (no. 36103/04)

The applicant, Georgi Marinov, is a Bulgarian national who was born in 1924 and lives in Brestovitzha (Bulgaria). Relying on Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy) of the Convention, he complained that between 1992, when a plot of agricultural land expropriated in the 1970s was returned to him, and 2001, when the return of the whole plot was entered into the land register, he had been unable to use the land or dispose of it.

Violation of Article 1 of Protocol No. 1

Violation of Article 13 in conjunction with Article 1 of Protocol No. 1

Just satisfaction: 1,200 euros (EUR) (non-pecuniary damage) and EUR 1,500 (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.

Begu v. Romania (no. 20448/02)*

The applicant, Ion Begu, is a Romanian national who was born in 1975 and lives in Caracal (Romania). In his capacity as an officer of the criminal investigation department, he was suspected of having solicited money from a person suspected of fraud and false imprisonment to spare him from being remanded in custody. The applicant complained about the proceedings instituted against him for accepting bribes, following which he was sentenced to two years' imprisonment. Relying on Article 5 §§ 2, 3 and 4 (right to liberty and security), he complained that he had not been informed of the reasons for his arrest, that he had not been brought promptly before a judge or other officer authorised by law to exercise judicial power – particularly because his pre-trial detention had been extended by military judges – and that his pre-trial detention had been unlawful and excessively lengthy. Under Article 6 §§ 1, 2 and 3 (c) (right to a fair hearing), he complained that the criminal proceedings against him had been unfair, alleging in particular that the military court and the military court of appeal were not independent and impartial tribunals because they were attached to the Ministry of Defence; that his right to be presumed innocent had been infringed on account of statements made by the Prime Minister during a teleconference on "discipline in the Romanian police"; and, that the prosecuting authorities had compelled him to be assisted by a State-appointed lawyer during a body search, despite the fact that he had asked to be represented by a lawyer of his choosing. The applicant also complained, under Article 8 (right to respect for private life), of the interception at the police headquarters of his conversation with the person suspected of fraud and false imprisonment. Relying on Article 1 of Protocol No. 1 (protection of property), he further submitted that items placed under seal by the authorities during a search of his home had not subsequently been returned to him.

Violation of Article 5 § 3

Violation of Article 1 of Protocol No. 1

Just satisfaction: EUR 5,200 (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Shandrov v. Russia (no. 15093/05)

The applicant, Dmitriy Shandrov, is a Russian national who was born in 1976 and lives in Raduzhnyy (Moscow Region, Russia). Relying on Article 6 § 1 (right to a fair hearing), he complained that he had not been given an opportunity to attend an appeal hearing in a case in which he had sought compensation from the local authorities for injuries he had sustained during a hostage-taking incident in May 2003.

Violation of Article 6 § 1 (fairness)

Just satisfaction: the finding of a violation sufficient just satisfaction for non-pecuniary damage

Repetitive cases

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

Sizov v. Russia (no. 33123/08)

Yoldaş and Others v. Turkey (nos. 23706/07, 37912/07, 43801/07, 54514/07, 56503/07, 1033/08, 1522/08 and 2635/08)*

These cases concerned the applicants' complaints concerning the excessive length of their pre-trial detention on charges of having set fire to three cars (first case), and for belonging to an armed illegal organisation (second case). They relied on Article 5 § 3 (right to liberty and security). The applicants in the case of **Yoldaş and Others** also relied on Article 6 § 1 (right to a fair trial within a reasonable time).

Violation of Article 5 § 3 – Mr Sizov and 1st, 2nd, 3rd, 4th, 6th and 8th applicants in Yoldaş and Others

Violation of Article 6 § 1 – 1st, 2nd, 5th, 6th, 7th and 8th applicants in Yoldaş and Others

Length-of-proceedings cases

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

Gávrís v. Hungary (no. 33723/06)

Köteles v. Hungary (no. 9271/07)

László Molnár v. Hungary (no. 41063/07)

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.