



Judgments¹ concerning the Netherlands, Poland, Portugal and Turkey

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

Repetitive cases², 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 (*).

Lalmahomed v. the Netherlands (application no. 26036/08)

The applicant, Goelzeer Lalmahomed, is a Netherlands national who was born in 1962 and lives in Delft (Netherlands). He was tried and fined for failing to show proof of identity when stopped by the police. Relying on Article 6 §§ 1 and 3(c) (right to a fair trial) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, Mr Lalmahomed complained that in December 2007 he had been refused leave to appeal. He notably complained that, in the leave-to-appeal proceedings, his claim that his identity had been misused had been dismissed without further examination.

Violation of Article 6 § 1 taken together with Article 6 § 3 (c) (fairness)

Just satisfaction: No claim made by the applicant

Raducki v. Poland (no. 10274/08)

The applicant, Robert Raducki, is a Polish national who was born in 1969 and lives in Łódź (Poland). Arrested in December 2001 on suspicion of murder and convicted as charged in June 2006, Mr Raducki complained about the excessive length of his pre-trial detention as well as the inadequate conditions in which he had been held, notably on account of overcrowding. He relied in particular on Article 5 § 3 (right to liberty and security) of the Convention.

Violation of Article 5 § 3

Just satisfaction: 2,000 euros (EUR) (non-pecuniary damage) and EUR 1,000 (costs and expenses)

Repetitive cases

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

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.

Companhia Agrícola do Maranhão – CAMAR SA c. Portugal (no. 335/10)*

This case concerned the delay in calculating and paying the compensation awarded to the applicant company. It relied on Article 1 of Protocol No. 1 (protection of property).

Violation of Article 1 of Protocol No. 1

Just satisfaction

Arif Erdem v. Turkey (no. 37171/04)*

In a judgment of 23 March 2010, the Court held that there had been a violation of Article 1 of Protocol No. 1 concerning the applicant's complaint that he had been deprived of his property, designated forest area, without compensation. In its judgment today, the Court awarded the applicant EUR 400,000 in respect of pecuniary damage and EUR 760 for costs and expenses.

Zeki Şahin c. Turquie (no. 28807/05)*

This case concerned the applicant's complaint about the excessive length of his pre-trial detention on suspicion of belonging to an armed illegal organisation. He relied on Article 5 § 3 (right to liberty and security).

Violation of Article 5 § 3

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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)

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

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.