



Judgments¹ concerning Albania, Montenegro, Romania, Spain and Turkey

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

Repetitive cases² and one length-of-proceedings case, 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 (*).

Goranova-Karaeneva v. Bulgaria (no. 12739/05)

The applicant, Koprinka Petkova Goranova-Karaeneva, is a Bulgarian national who was born in 1952 and lives in Montana (Bulgaria). A former neurologist at Montana Regional Hospital, she was occasionally called upon to act as a court-appointed expert. The case concerned her complaint about the tapping of her telephone conversations in January 2001 in the context of criminal proceedings brought against her for bribe-taking. She was notably accused of offering to corroborate – in exchange for money – a former patient's civil claim against the Montana hospital. She was found guilty as charged in November 2003 and given a three-year suspended prison sentence, later reduced on appeal to one-and-a-half years. She relied on Articles 8 (right to respect for private and family life, the home and correspondence) and 13 (right to an effective remedy) of the European Convention on Human Rights.

No violation of Article 8
Violation of Article 13

Just satisfaction: finding of a violation sufficient for non-pecuniary damage and 1,100 euros (EUR) for costs and expenses

The Arges College of Legal Advisers v. Romania (application no. 2162/05)

The applicant is an association of legal advisers from Pitești (Argeș County, Romania) whose registration was refused by the domestic courts in October 2004. Notably, the courts refused the registration as one of the aims set down in the association's statute (the protection and promotion of the rights of individuals in their relation with public authorities) led them to believe that it wanted to practise activities similar to those of lawyers, which, under domestic law, was forbidden outside the Romanian Bar Association. Relying in particular on Article 11 (freedom of assembly and association) of

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.

the Convention, the applicant complained about this refusal to register it as an association.

Violation of Article 11

Just satisfaction: no claim made by the applicant. The Court drew attention to the fact that the situation existing before the above breach of the Convention could be restored by allowing the applicant association, under the Romanian Code of Civil Procedure, to address the national courts with an extraordinary appeal.

Beristain Ukar v. Spain (no. 40351/05)*

The applicant, Aritz Beristain Ukar, is a Spanish national who was born in 1980 and lives in Hernani (Spain). In 2002 he was arrested in San Sebastián on suspicion of having taken part in violent clashes in the city. Relying mainly on Article 3 (prohibition of inhuman or degrading treatment), he submitted that he had been ill-treated during his arrest and while he had been detained for five days in San Sebastián and Madrid.

No violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 3 (lack of effective investigation)

Just satisfaction: EUR 20,000 euros (non-pecuniary damage) and EUR 3,000 (costs and expenses)

Repetitive cases

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

Delvina v. Albania (no. 49106/06)

Eltari v. Albania (no. 16530/06)

These cases concerned the non-enforcement of final court decisions in the applicants' favour. They relied 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).

In both cases

Violation of Article 6 § 1 (fairness)

Violation of Article 13 in conjunction with Article 6 § 1

Violation of Article 1 of Protocol No. 1

Emiroğlu v. Turkey (no. 40795/05)*

This case concerned the applicant's complaint that the authorities had expropriated 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

Kiziroğlu v. Turkey (no. 52154/07)

This case concerned a navy captain's complaint that he had been unable to access the classified documents submitted by the Ministry of Defence to the Supreme Military Administrative Court in proceedings in which he had sought the annulment of his appointment to a different post. He relied on Article 6 § 1 (right to a fair hearing).

Violation of Article 6 § 1 (fairness)

Length-of-proceedings case

In the following case, the applicants complained in particular about the excessive length of administrative proceedings concerning expropriation of their house and land.

Živaljević v. Montenegro (no. 17229/04)

Violation of Article 6 § 1

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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.