



## Judgments concerning Hungary, Poland, Romania, and Turkey

The European Court of Human Rights has today notified in writing the following nine Chamber judgments<sup>1</sup>, none of which is final. The judgments in French are indicated with an asterisk (\*).

*The Court has also delivered today judgments in the cases of Karácsony and Others v. Hungary (application no. 42461/13), Szél and Others v. Hungary (no. 44357/13), Plechkov v. Romania (no. 1660/03), and Mansur Yalçın and Others v. Turkey (no. 21163/11), for which separate press releases have been issued.*

### Szkórits v. Hungary (application no. 58171/09)

The applicant, Zsigmond Szkórits, is a Hungarian national who was born in 1929 and lived in Budakalász (Hungary). Following his death in March 2012, his daughter has continued his application. The case concerned Mr Szkórits' inability, for several years, to obtain possession of a plot of land allocated to him in November 1999 by the authorities in the process of land restitution after the socialist regime had ended. The land was occupied and being used by owners of adjacent plots. A civil action brought by Mr Szkórits was dismissed in December 2006, when, in a parallel set of 'remapping' proceedings brought by the owners of the neighbouring plots, the land registries found that he had been granted a plot which had been registered with topographic and editing errors and did not exist in reality. In those 'remapping' proceedings, the county land registry designated a new plot for Mr Szkórits in June 2006. The decision dismissing his claim was eventually upheld in 2009. In the same year he was able to obtain possession of the – newly designated – plot of land.

Mr Szkórits complained that his rights, in particular, under Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights had been violated in that he could not enter into possession of the land allocated to him in 1999.

#### Violation of Article 1 of Protocol No. 1

**Just satisfaction:** 10,000 euros (EUR) in respect of pecuniary and non-pecuniary damage combined

### P.F. v. Poland (no. 2210/12)

The applicant, Mr P.F., is a Polish national who was born in 1963 and lives in Warsaw. The case concerned proceedings for contact arrangements with his twin daughters, born in 2004.

Having separated with the mother of the children in 2005, Mr P.F. lodged a motion for the establishment of contact and a contact order in 2007. After an interim contact order had been issued by a district court, the court stayed the proceedings in March 2008, as the children's mother had lodged a motion with the prosecutor, alleging that Mr P.F. had sexually abused the twins. In October 2008, the prosecutor discontinued the criminal proceedings into those allegations for lack of sufficient evidence, finding in particular that a court-appointed expert had established that the children did not have the psychological symptoms of sexually abused children. Subsequently the contact proceedings were resumed and several interim contact orders were issued. Since the

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

children's mother frequently failed to comply with those orders, Mr P.F. brought proceedings for enforcement of the interim contact orders and made several applications for fines to be imposed on the mother. The court ordered her to comply with one of the orders and eventually imposed a fine on her in January 2013.

Relying on Article 8 (right to respect for private and family life) of the Convention, Mr P.F. complained that the Polish authorities had failed to take effective steps to enforce his right of contact with his daughters.

**No violation of Article 8**

**Atudorei v. Romania (no. 50131/08)**

The applicant, Dana Ruxanda Atudorei, is a Romanian national who was born in 1984 and lives in Bucharest. The case concerned her forced hospitalisation in a psychiatric hospital between 3 February and 1 April 2005.

According to Ms Atudorei's submissions, she had not been suffering from mental health problems attested by an objective medical expert report, and the hospitalisation took place after her parents had forcibly taken her to the hospital. In 2003 she had already been taken to a psychiatric hospital against her will for a few days by her parents, who were concerned that she was attending yoga classes organised by a "Movement for Spiritual Integration". During her hospitalisation in 2005, she was given psychotropic drug treatment, which included medication normally used in the treatment of schizophrenia.

Ms Atudorei complained that her forced hospitalisation in 2005 had amounted to a deprivation of liberty in violation of Article 5 § 1 (e) (right to liberty and security). She further complained that the medical treatment provided to her in the hospital had interfered with her right to respect for her private life, relying in substance on Article 8 (right to respect for private and family life).

**Violation of Article 5 § 1**

**Violation of Article 8**

**Just satisfaction:** EUR 15,600 (non-pecuniary damage)

**Fodor v. Romania (no. 45266/07)\***

The applicant, Cornel Fodor, is a Romanian national who was born in 1966 and lives in Taga (Romania).

Following a dispute in a bar, a complaint was filed against Mr Fodor leading to criminal proceedings. He was acquitted by the Gherla District Court, before being convicted by the Cluj County Court on assault charges.

Relying on Article 6 § 1 (right to a fair trial), Mr Fodor alleged that his case had not been heard fairly as his conviction was based on a manifestly incorrect assessment of certain material facts.

**Violation of Article 6 § 1**

**Just satisfaction:** EUR 1,500 (non-pecuniary damage)

**Mischie v. Romania (no. 50224/07)\***

The applicant, Nicolae Mischie, is a Romanian national who was born in 1945 and lives in Târgu-Jiu (Romania).

The case concerned criminal proceedings against Mr Mischie for non-compliance with rules governing weapons and ammunition, forgery and contraband, following which he was given a suspended prison sentence by the High Court of Cassation and Justice.

Relying on Article 6 § 1 (right to a fair trial), Mr Mischie complained of a violation of his defence rights during the criminal proceedings against him, alleging that the High Court had convicted him on the basis of evidence that had been considered insufficient by the courts that had acquitted him at first instance and on appeal.

#### **Violation of Article 6 § 1**

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

#### **Rozalia Avram v. Romania (no. 19037/07)\***

The applicant, Rozalia Avram, is a Romanian national who was born in 1947 and lives in Arad (Romania).

The case concerned a building which belonged to the Catholic diocese of Oradea and which was transferred to State ownership under legislation on prescription. A number of flats in the building were sold to the tenants, including Ms Avram. In 1998 the diocese sought to recover possession of the building before the domestic courts but its claim was dismissed by the Timișoara Court of Appeal. The diocese brought a fresh action to have the contracts of sale in respect of those flats declared null and void, and its claim was then upheld by the same Court of Appeal.

Relying in particular on Article 6 § 1 (right to a fair trial), Ms Avram complained of a breach of the principle of legal certainty on the ground that the Timișoara Court of Appeal annulled the contract of sale in respect of her flat, thus calling into question the previous judgment of that court.

#### **Violation of Article 6 § 1**

**Just satisfaction:** The Court held the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision and reserved it for examination at a later date.

#### **Ilfov (District Union of Cooperative Societies) v. Romania (no. 16554/06)\***

The applicant is a cooperative society under Romanian law with its registered office in the municipality of Voluntari (Romania).

The case concerned the transfer to local public ownership of a number of buildings belonging to the company.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company complained of the transfer to local public ownership of those commercial premises, of which it considered itself the rightful owner, alleging that it had been deprived of that property unlawfully and without any compensation.

#### **Violation of Article 1 of Protocol No. 1**

**Just satisfaction:** The Court held the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision and reserved it for examination at a later date.

#### **Valerian Dragomir v. Romania (no. 51012/11)**

The applicant, Valerian Dragomir, is a Romanian national who was born in 1980 and lives in Timișoara (Romania). The case concerned the detention in February 2011 of Mr Dragomir, a customs officer at the time, on suspicion of being a member of a criminal group involved in corruption.

In the framework of a large-scale criminal investigation, Mr Dragomir was taken by bus from Timișoara to Bucharest on 8 February 2011 together with 93 other police and customs officers suspected of the same crime. After arrival at the headquarters of the Anti-Corruption Prosecution Service in the late evening, a number of investigative activities were carried out during the same night. In the morning of 9 February 2011, Mr Dragomir was informed of the charges against him.

Relying on Article 5 § 1 (c) (right to liberty and security), he complained that his deprivation of liberty from 9.20 pm on 8 February to 8.15 am on 9 February 2011 had been unlawful. Relying on Article 3 (prohibition of inhuman or degrading treatment), he further complained of the conditions of his subsequent detention at a Bucharest police station detention facility between 10 February and 4 May 2011, in particular because of overcrowded cells and poor hygiene conditions.

**Violation of Article 3** (degrading treatment)

**Violation of Article 5 § 1**

**Just satisfaction:** EUR 5,000 (non-pecuniary damage) and EUR 100 (costs and expenses)

Revision

### Meryem Çelik and Others v. Turkey (no. 3598/03)

The case concerned the alleged raid of the hamlet Ormancık in the Şemdinli district of Hakkari (south-east Turkey) by Turkish security forces on 24 July 1994. The applicants were 14 Turkish nationals of Kurdish ethnic origin who are or were the close relatives (wives, brothers and partners) of 13 people who had gone missing and one person who had allegedly been killed during the raid.

In its [Chamber judgment](#) of 16 April 2013, the Court held that there had been violations of Article 2, Article 5, and Article 3 of the Convention and made awards in respect of non-pecuniary damage to all applicants and in respect of pecuniary damage to 11 of the applicants.

On 16 January 2014 the applicants' representative informed the Court that he had learned that two of the applicants, Ms Hanife İzci and Mr Hamit Şengül, had died in 2011. On behalf of their heirs, he accordingly requested revision of the judgment of 16 April 2013, which he had been unable to have executed, arguing that it should be the two applicants' heirs who should receive the sums awarded to the deceased.

**The Court decided to revise its judgment of 16 April 2013 in so far as it concerned the claims made by the heirs of the deceased applicants Ms Hanife İzci and Mr Hamit Şengül under Article 41 (just satisfaction) of the Convention and held that Turkey was to pay:**

**- EUR 60,000 (pecuniary damage) jointly and EUR 65,000 (non-pecuniary damage) jointly to the heirs of Ms Hanife İzci;**

**- EUR 32,500 (non-pecuniary damage) jointly to the heirs of Mr Hamit Şengül.**

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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.