



## Judgments concerning the Republic of Moldova, Poland, Romania, Serbia, and Turkey

The European Court of Human Rights has today notified in writing the following eight Chamber judgments<sup>1</sup>, none of which is final.

One repetitive case<sup>2</sup>, with the Court's main finding indicated, can be found at the end of the press release. The judgments in French are indicated with an asterisk (\*).

*The Court has also delivered today judgments in the cases of Mehmet Şentürk and Bekir Şentürk v. Turkey (no. 13423/09), Abdi v. the United Kingdom (no. 27770/08), and H. and B. v. the United Kingdom (nos. 70073/10 and 44539/11), for which separate press releases have been issued.*

### Iurcu v. the Republic of Moldova (application no. 33759/10)

The applicant, Vitalie Iurcu, is a Moldovan national who was born in 1994 and lives in Chişinău. Returning home in the late evening of 7 April 2009, 15 years old at the time, he was stopped by a group of men in uniforms, who took him and several other young people to a police station. During the night, the police questioned him about his alleged involvement in demonstrations on the preceding day to protest about the results of the recent general elections in Moldova. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Iurcu complained that during his arrest and detention he had been ill-treated by the police – he notably alleged that he had been forced to kneel with his hands on his head for three hours and that he had been punched in the back by a police officer – and that there had been no effective investigation into his complaints of ill-treatment. He further complained that he had not had an effective remedy in respect of his complaints under Article 3, in breach of Article 13 (right to an effective remedy).

**Two violations of Article 3** (ill-treatment and investigation)

**Violation of Article 13** (lack of civil remedies)

**Just satisfaction:** EUR 12,000 (non-pecuniary damage) and EUR 1,500 (costs and expenses)

### Kurkowski v. Poland (no. 36228/06)

The applicant, Mariusz Kurkowski, is a Polish national who was born in 1960 and lives in Gdańsk (Poland). He is a former member of the management board of a ship-manufacturing company. In December 2004, Mr Kurkowski was remanded in custody on suspicion of a number of offences related to the running of the company while acting in an organised criminal gang. His pre-trial detention was subsequently

<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)

<sup>2</sup> In which the Court has reached the same findings as in similar cases raising the same issues under the Convention.

extended on several occasions until his release in October 2006. The criminal proceedings against him are still pending before the first-instance court. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Mr Kurkowski complained of the poor conditions of his detention, in particular overcrowding. Relying on Article 5 § 3 (right to liberty and security), he complained about the excessive length of his pre-trial detention. He also complained, under Article 8 (right to respect for private and family life), of disproportionate restrictions on family visits during his detention.

**No violation of Article 3**  
**No violation of Article 5 § 3**  
**Violation of Article 8**

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

### Flueraş v. Romania (no. 17520/04)\*

The applicant, Cosmin Dragu Flueraş, is a Romanian national who was born in 1973 and lives in Arad (Romania). He was charged in January 2001 with trafficking in toxic substances. Having been acquitted at first instance and also on appeal, he was subsequently convicted on an appeal in cassation and sentenced to 15 years' imprisonment with a prohibition from exercising certain rights. Relying in particular on Article 6 § 1 (right to a fair trial), the applicant alleged that he had not had a fair trial and complained that his defence rights had been breached.

**Violation of Article 6 § 1**

**Just satisfaction:** EUR 3,000 (non-pecuniary damage) and EUR 10,000 (costs and expenses)

Just Satisfaction

### Vergu v. Romania (no. 8209/06)\*

In a [judgment of 11 January 2011](#) the Court found that the indefinite occupation by the national highways authority of a 902 sq.m plot of land belonging to the applicant constituted *de facto* expropriation without legal basis. It held by 4 votes to 3 that there had been a violation of Article 1 of Protocol No. 1. Today's judgment concerned the question of just satisfaction (Article 41).

**Just satisfaction:** EUR 1,500 (covering all heads of damage).

### Anđelković v. Serbia (no. 1401/08)

The applicant, Milomir Anđelković, is a Serbian national who was born in 1958 and lives in Bor (Serbia). In October 2004, he brought civil proceedings against his former employer, seeking payment of outstanding holiday pay. His claim was rejected in a final court decision in September 2007. Relying on Article 6 § 1 (right to a fair hearing), he complained that that decision had no basis in Serbian law.

**Violation of Article 6 § 1**

**Just satisfaction:** The Court dismissed the applicant's claims for just satisfaction.

## Böber v. Turkey (no. 62590/09)

The applicant, Yasin Böber, is a Turkish national who was born in 1977 and lives in Istanbul. He is a taxi driver. In June 2003, he witnessed a dispute between another taxi driver and two police officers. Mr Böber offered to pay the administrative fine which the officers had imposed on his colleague. He alleged that the officers had then pushed him to the ground and punched him, and that his leg had been broken when he was put in the police car as one of the officers closed the car door on his leg. Mr Böber complained that his rights under in particular Article 3 (prohibition of inhuman or degrading treatment) had been violated on account of that treatment and because there had been no effective investigation into his allegations.

**Two violations of Article 3** (ill-treatment and investigation)

**Just satisfaction:** EUR 19,500 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

## Dağabakan and Yıldırım v. Turkey (no. 20562/07)\*

The applicants, Mehmet Dağabakan and Çetin Yıldırım, are Turkish nationals who were born in 1945 and 1969 respectively and live in Bursa. The case concerned the two men's allegation that they had been ill-treated in police custody on 15 June 1999 in order to oblige them to reveal where Mr Dağabakan's wanted son was hiding or to hand him over to the police. The medical report drawn up that day at 5.50 p.m. – mentioning "no signs of violence" – stipulated that the applicants had no complaint about any acts of violence against them. On the same day, the applicants filed a criminal complaint for ill-treatment against their custody officers. Another medical report drawn up two days later mentioned swelling and sensitivity on the left-hand side of the applicant's chin. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), the applicants complained that they had been ill-treated during their police custody and that the courts failed to duly examine their allegations.

**Two violations of Article 3** (ill-treatment and investigation) in respect of Mr Yıldırım  
**Remaining complaints inadmissible**

**Just satisfaction:** The applicants did not submit any claim for just satisfaction.

## Repetitive case

The following case raised issues which had already been submitted to the Court.

### **Piotr Kozłowski v. Poland** (no. 24250/11)

This case concerned the applicant's complaint that he had been denied effective access to the Supreme Administrative Court as a result of his legal-aid lawyer's refusal to lodge a cassation appeal. He relied on Article 6 § 1 (right of access to court).

**No 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.