

# EUROPEAN COURT OF HUMAN RIGHTS

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## Press release issued by the Registrar

### Chamber judgments concerning the Czech Republic, Italy, Romania and Turkey

The European Court of Human Rights has today notified in writing the following eight Chamber judgments, of which only the friendly-settlement judgments are final.<sup>1</sup>

(...)

*Surugiu v. Romania* (no. 48995/99)

*Violation of Article 8*

The applicant, Mitica Surugiu, is a Romanian national who was born in 1958 and lives in Fălticeni.

In February 1995 his company was granted title to land adjoining his house by a final court decision. The decision was not enforced by the local land commission, which issued a third party with a property title over part of the land, including the land on which the applicant's house stood. M.O. and members of his family often went into the applicant's yard to cut or gather grass, unload carts of manure, or threaten and insult him, sometimes armed with sticks.

Mr Surugiu lodged six complaints of trespass on domestic premises and brought an action seeking to return home after having been obliged to move when M.O. and his family barred him access to his house. The proceedings were all discontinued. Following one of the complaints the applicant was ordered to pay an administrative fine on 18 May 2001 of the equivalent of four euros at the material time.

In the meantime, in October 1999, the Romanian courts revoked M.O.'s title to the land adjoining the building occupied by the applicant. Mr Surugiu's company was given possession of the land in October 2000.

The applicant complained of the authorities' failure to take action to stop the interference by third parties with his right to respect for his home guaranteed by Article 8 (right to respect for private and family life) of the Convention. Additionally, relying on Article 1 of Protocol No. 1 (protection of property), he complained of the resulting interference with his right to the peaceful enjoyment of his property.

The Court noted that the interference with the applicant's enjoyment of his home lasted approximately five and a half years, during which his complaints had resulted in a discontinuation of the proceedings despite the production of witness statements to the effect

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<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

that M.O. intended to demolish the applicant's house and the existence of four final decisions confirming his company's title to the land in question.

Even supposing that the authorities' failure to take action could be explained by the fact that a third party had been granted a property title over the land in question, it appeared that even after that title had been revoked by a final judgment the authorities had failed to take prompt measures to give the applicant possession of his land and put a stop to the repeated interference with the exercise of his right guaranteed by Article 8. On that point the Court found it particularly striking that it was only one and a half years after the third party's title had been revoked that an administrative penalty was imposed on him, whereas his infringements of the applicant's right to peaceful enjoyment of his home appeared to have been a daily occurrence.

In those circumstances the Court considered that the authorities had not taken the steps that could normally be expected of them to put a stop to the interference by third parties, over several years, with the applicant's right to respect for his home. Accordingly, it concluded unanimously that there had been a breach of Article 8 of the Convention. Having regard to that conclusion, it considered that there was no need to examine the complaint under Article 1 of Protocol No. 1. Under Article 41 (just satisfaction) of the Convention, the Court awarded Mr Surugiu EUR 4,000 for non-pecuniary damage. (The judgment is available only in French).

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These summaries by the Registry do not bind the Court. The full texts of the Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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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. Since 1 November 1998 it has sat as a full-time Court composed of an equal number of judges to that of the States party to the Convention. The Court examines the admissibility and merits of applications submitted to it. It sits in Chambers of 7 judges or, in exceptional cases, as a Grand Chamber of 17 judges. The Committee of Ministers of the Council of Europe supervises the execution of the Court's judgments. More detailed information about the Court and its activities can be found on its Internet site.*