



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing six judgments on Tuesday 3 July 2018 and 44 judgments and / or decisions on Thursday 5 July 2018.

Press releases and texts of the judgments and decisions will be available at 10 a.m. (local time) on the Court's Internet site (www.echr.coe.int)

Tuesday 3 July 2018

[Topal v. the Republic of Moldova \(application no. 12257/06\)](#)

The applicant, Stepan Topal, is a Moldovan national who was born in 1938 and lives in Comrat (Republic of Moldova). He was president of the Gagauz Republic (a region located in the south of the Republic of Moldova) between 1991 and 1995.

The case concerns judicial proceedings in respect of Mr Topal's pension entitlement: during the proceedings, the People's Assembly of Gagauzia set aside the local law (no. 36-XIX/II) on which Mr Topal was basing his claims.

In April 2003 Mr Topal, who considered that he was entitled to receive a personal pension under local law no. 36-XIX/II, brought proceedings for recovery of his pension against the Executive Committee and the People's Assembly of Gagauzia. The law in question, which had been in force since July 2001, provided that Mr Topal would receive a retirement pension equivalent to 75% of the monthly salary of the Governor of Gagauzia.

In December 2003 the Comrat District Court referred the case to the Comrat Appeal Court for a preliminary ruling on the legality of the law. Although those proceedings were still pending, the People's Assembly of Gagauzia set aside law no. 36-XIX/II. In consequence, the appeal court discontinued the proceedings for a preliminary ruling and the District Court dismissed Mr Topal's action as ill-founded.

Relying on Articles 6 § 1 (right to a fair hearing) and 13 (right to an effective remedy) of the European Convention on Human Rights and on Article 1 of Protocol No. 1 (protection of property) to the Convention, Mr Topal complains about the setting aside of local law no. 36-XIX/II while his legal action was being examined, of the lack of independence and impartiality of the domestic courts and of the lack of an effective remedy.

[Volokitin and Others v. Russia \(no. 74087/10 and 13 other applications\)](#)

The applicants are 15 Russian nationals who were born between 1935 and 1981 and live in Russia.

The case concerns their complaint that the authorities have not redeemed premium bonds issued by the former Soviet Union in 1982, even though Russia has taken on the obligation and has drawn up framework legislation to honour the debt. However, the implementation of that legislation has been repeatedly suspended.

The applicants complain about the lack of redemption by relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention.

[Voynov v. Russia \(no. 39747/10\)](#)

The case concerns a complaint brought by a prisoner about being sent to serve his sentence in a prison thousands of kilometres from his home town.

The applicant, Timur Voynov, is a Russian national who was born in 1985. He was convicted in 2009 of drug-related crimes and sentenced to 12 years' imprisonment. He has been serving his sentence since April 2010 in the village of Areyskoye, Krasnoyarsk Region, which is 4,200 km from Oryol where his mother and partner live.

His transfer was ordered by the Oryol penal authorities because of overcrowding in the post-conviction detention facilities in the region.

Mr Voynov's repeated requests to the authorities to be transferred to a prison closer to Oryol to maintain family ties while serving his sentence have all been rejected.

He also brought civil proceedings claiming compensation for the decision to transfer him, but his claim was dismissed in 2012. The courts, not addressing his argument concerning the difficulties in maintaining family ties at such a distance, held that the penal authorities' decision had been lawful because there had been overcrowding in the Oryol prisons.

His partner visited him six times between 2011 and 2013, but she has no longer been able to visit him since the birth of their daughter in 2014. He has never seen his daughter.

Relying on Article 8 (right to respect for private and family life), Mr Voynov alleges that the decision to send him to a remote penal facility has made it difficult for his family to visit him. He also relies on Article 13 (right to an effective remedy), alleging that there are no effective remedies at national level for him to complain about the breach of his Article 8 rights.

[The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.](#)

These rulings can be consulted from the day of their delivery on the Court's online database [HUDOC](#).

They will not appear in the press release issued on that day.

Bănuțoiu and Ștefoglou v. Romania (nos. 64752/13 and 54607/14)

Niță v. Romania (no. 30305/16)

Samoylov v. Russia (no. 17512/08)

Thursday 5 July 2018

[Boyadzhieva and Gloria International Limited EOOD v. Bulgaria \(nos. 41299/09 and 11132/10\)](#)

The applicants are Radostina Boyadzhieva, a Bulgarian national who was born in 1954 and lives in Sofia, and Gloria International Limited EOOD, a Bulgarian limited liability company, which is based in Sofia. Both applicants traded in pharmaceuticals.

The case concerns proceedings brought against the applicants by the creditors of a company to which they had sold pharmaceuticals and which was then declared insolvent.

From December 2005 to April 2006 the applicants sold pharmaceuticals to a company called K., receiving a total of around 28,330 Euros.

However, K. was subsequently declared insolvent. In the insolvency proceedings the courts considered that the initial date of its insolvency was October 2005, the date on which it had ceased making payments to its creditors and before payment to the applicants.

K.'s creditors therefore brought proceedings against the applicants to recover the sums K. had paid for the pharmaceuticals. The courts found against the applicants and ordered them to pay the money into the insolvency estate. All their appeals were unsuccessful.

Relying in particular Article 1 of Protocol No. 1 (protection of property), the applicants complain that they were automatically ordered to return the money they had received from K., without any proof of bad faith on their part and without any assessment of whether the payment had adversely affected the insolvency estate or the interests of K.'s creditors. Moreover, they allege that they had no reasonable chance of recovering the money by joining the insolvency proceedings because, by the time they could have done this, the majority of K.'s assets had already been distributed.

[Medjaouri v. France \(no. 45196/15\)](#)

The applicant, Rabah Medjaouri, is an Algerian national who was born in 1953 and lives in Paris.

The case concerns an order to deport the applicant to Algeria which would allegedly expose him, as a diabetic who suffers from a heart condition, to inhuman treatment.

On 11 April 1997 an order was issued for Mr Medjaouri's deportation, which was executed in October 2000. He returned to France in 2001 and was again convicted on two occasions in 2001 and 2004. On 20 March 2006 he was sentenced to 10 years' imprisonment for further offences and an order was made permanently excluding him from French territory.

On 7 March 2011, having been released from prison, he applied for house arrest in order to obtain the lifting of the exclusion order, supplemented by another application on medical grounds, and also a request for the deportation order to be rescinded. His requests were rejected.

In February 2016 Mr Medjaouri was placed under house arrest until 18 December 2016 in order to obtain the treatment he required. The period of house arrest was subsequently extended. By a judgment delivered on 24 October 2017, the Aix-en-Provence Court of Appeal lifted the permanent exclusion order of 20 March 2006 on account of the applicant's state of health.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant complains that execution of the deportation order would have serious consequences, since he would be unable to obtain the medical supervision and treatment that he requires in Algeria. Relying on Article 8 (right to respect for private and family life), he alleges that the authorities' refusal to rescind the deportation order of 11 April 1997 prevents him being granted leave to remain and amounts to an order to remove him to Algeria.

[Makarová v. United Kingdom \(no. 67149/17\)](#)

The applicant, Adéla Makarová, is a Czech national, who was born in 1983 and lives in Prague.

The case concerns her complaint about the lack of effectiveness of criminal proceedings brought against a man who was accused of killing her brother.

The applicant's brother, Zdeněk Makar, was killed in September 2016 in London. The police identified a man, R.S., as a suspect, and he was brought to trial in 2017. R.S. pleaded self-defence and he was eventually acquitted by a jury in a majority decision of both murder and manslaughter.

Relying on Article 2 (right to life), Ms Makarová complains of a structural issue in the criminal justice system of England and Wales as the proceedings failed to produce clear reasons for R.S.'s acquittal. She also alleges that the self-defence test in domestic law allows unlawful killing to go unpunished, and that the law does not provide for criminal liability in the event of an intentional omission to provide first aid to someone whose life was in danger.

Alternatively, if there was no such structural deficiency, it was not possible for the jurors to have arrived at the acquittal verdict if they had applied the law on self-defence properly. Under Article 13

(right to an effective remedy) in conjunction with Article 2, the applicant complains about the absence of an appeal against an acquittal by a jury in criminal proceedings.

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Račić and Others v. Bosnia and Herzegovina (no. 27159/13)

Bochev v. Bulgaria (no. 34534/08)

Bogović v. Croatia (no. 44657/14)

Bojić v. Croatia (no. 48134/15)

Grizelj v. Croatia (no. 50564/14)

Lambaša v. Croatia (no. 37738/12)

Stojaković v. Croatia (no. 16931/12)

INVEST KAPA a.s. v. the Czech Republic (no. 19782/13)

Ali v. Georgia (no. 41710/05)

Beria v. Georgia (no. 43302/08)

Botchorishvili v. Georgia (nos. 42293/09 and 8443/12)

Kerdikoshvili v. Georgia (no. 35868/10)

Chatzioannidis v. Greece (no. 70509/10)

Dimitras and Others v. Greece (no. 9804/12)

Kaberi v. Greece (no. 19557/17)

Masoud Ahmed v. Greece (no. 43129/13)

Papadopoulos v. Greece (no. 28616/12)

Zachoulis v. Greece (no. 68747/11)

Csőlle v. Hungary (no. 56683/13)

Ivány v. Hungary (no. 51638/13)

Lénárt v. Hungary (no. 64332/13)

Mendrei v. Hungary (no. 54927/15)

Székely v. Hungary (no. 59441/13)

Castello Del Poggio S.S. and Others v. Italy (nos. 30015/09, 34644/09, and 10723/10)

Centro Demarzio S.r.l. v. Italy (no. 24/11)

Lapinskas v. Lithuania (no. 15977/16)

Zaloilo v. the Netherlands (no. 60035/12)

Zieliński v. Poland (no. 43924/12)

Enăchescu and Others v. Romania (nos. 18099/03, 16185/04, 17097/04, 21355/04, 22494/04, 28623/04, 10960/05, 14974/05, 17634/05, 28384/05, 29610/05, 33746/05, 35408/05, 45601/05, 14591/06, 26896/06, 5847/07, 15072/07, 26339/07, 48557/08, and 51077/08)

Iacob v. Romania (no. 7501/16)

Tomescu v. Romania (no. 8825/10)

Chudakov and Klyushin v. Russia (nos. 4875/15 and 7865/15)

Naumov v. Russia (no. 28361/14)

Guerra v. San Marino (no. 78692/16)

Glas-Metall Trust Reg. v. Slovenia (no. 47523/10)

Novak v. Slovenia (no. 52195/12)

Omorefe v. Spain (no. 69339/16)

Akiki v. Switzerland (no. 79216/12)

Ferati v. 'the former Yugoslav Republic of Macedonia' (no. 21891/13)

Smičkovski v. 'the former Yugoslav Republic of Macedonia' (no. 15477/14)

Gough v. the United Kingdom (no. 2153/15)

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

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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.