



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing seven judgments on Tuesday 3 October 2023 and 121 judgments and / or decisions on Thursday 5 October 2023.

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 October 2023

[El-Asmar v. Denmark \(no. 27753/19\)](#)

The applicant, Abdallah El-Asmar, is a Danish national who was born in 1992 and lives in Aarhus (Denmark).

The case concerns his being sprayed with pepper spray by two guards while he was being held in an observational cell in prison in April 2017.

The applicant complains that the incident contravened Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights.

[Repeşcu and Repeşco v. the Republic of Moldova \(no. 39272/15\)](#)

The applicants, Adrian Repeşcu and Constantin Repeşco, are two Moldovan nationals who were born in 1979 and 1987 respectively and live in Chişinău.

They submit that they were convicted on the basis of incriminating statements that were extracted by the police using unlawful methods. Their complaint, which was lodged under Article 3 of the European Convention, was the subject of a previous application to the Court, which struck it out of its list following a unilateral declaration by the Government that was accepted by the applicants. In the present case, they criticise the national courts' refusal of a retrial, notwithstanding the implicit friendly settlement reached in that previous case.

Relying on Articles 6 § 1 (right to a fair trial) and 46 (binding force and execution of judgments) of the Convention, the applicants allege that their conviction was based on evidence obtained by way of ill-treatment. They complain about the Supreme Court of Justice's refusal of a retrial, despite the Court's decision in their previous case, which they claim confirmed the ill-treatment in question.

[Marin v. Romania \(no. 17412/16\)](#)

The applicant, Vasile Sorin Marin, is a Romanian national who was born in 1981 and lives in Bacău (Romania).

The case concerns the applicant being fined and then criminally convicted of disorderly and violent conduct during an event in a shopping-centre nightclub in Bacău in September 2011.

The applicant complains that he was tried and convicted twice for the same offence in breach of his rights protected by Article 4 of Protocol No. 7 to the Convention.

[A.A.K. v. Türkiye \(no. 56578/11\)](#)

The applicant, A.A.K., is a Turkish national who was born in 1955 and lives in Yenipazar (Aydın, Türkiye).

The case concerns the decision to make the applicant a ward of court following proceedings in which it was found that she suffered from a mental disorder that impeded her legal capacity to act.

Complaining that she was declared to be lacking in legal capacity without valid reasons and without legal assistance, the applicant alleges, in particular, that the domestic courts failed to take the necessary steps to secure the presence of an officially assigned lawyer and to reply to her objections to the medical reports on the basis of which her wardship was decided.

Relying on Articles 6 § 1 (right to a fair hearing) and 8 (right to respect for private life), taken separately and in conjunction with Article 13 (right to an effective remedy), the applicant alleges that her rights were infringed.

[Çetin and Others v. Türkiye \(no. 14684/18\)](#)

The applicants, Efgan Çetin, Şermin Çetin, Ayşe Çetin, Hasanali Çetin and Şerife Yıldız, are five Turkish nationals who were born between 1945 and 1974. The first applicant lives in Istanbul and the others live in Aydın (Turkey).

The case concerns the construction of a geothermal plant in the vicinity of the first applicant's olive grove and the remaining applicants' residences, and the fact that the administrative decision allowing the construction did not require the commissioning of an environmental impact assessment (EIA), and that that decision was not made public even though it should have been according to the national legislation.

Relying on Articles 6 (access to court) and 8 (right to respect for private and family life), the applicants complain that they were not able to challenge the decision in court.

[Durukan and Birol v. Türkiye \(nos. 14879/20 and 13440/21\)](#)

The applicants, Baran Durukan and İlknur Birol, are Turkish nationals who were born in 2000 and 1965 respectively and live in Bolu and Istanbul (Türkiye).

The case concerns the applicants' respective convictions and prison sentences – the effects of the judgment being suspended – for propaganda in favour of a terrorist organisation (in the case of Mr Durukan) and for insulting the Turkish President (in the case of Ms Birol).

The applicants rely on Article 10 of the Convention (freedom of expression).

[Midyat Saint Gabriel's Syriac Monastery Foundation v. Türkiye \(no. 13176/13\)](#)

The applicant, the Midyat Saint Gabriel's Syriac Monastery Foundation (*Midyat Süryani Deyrulumur Mor Gabriel Manastırı Vakfı*), a foundation established under Turkish law, is a religious institution that was created during the Ottoman Empire. Its status is currently governed by Law no. 2762 of 13 June 1935, under which it is a legal entity. In particular, the Foundation manages Saint Gabriel's Monastery (*Mor Gabriel Manastırı*), one of the oldest monasteries in the world, which is located in Midyat, Mardin province, where it was built in the fourth century.

The case concerns the judicial authorities' refusal to order the registration, in the applicant foundation's name, of land that it claims has been in its possession without interruption for a long period of time and is part of the cemetery of the Syriac community.

The applicant foundation submits that the national authorities' refusal to grant its request to have plot 15 – which it alleges is an integral part of the cemetery of the Syriac community – entered in the land register in its name constituted a violation of its rights under Article 1 of Protocol No. 1 (protection of property) and under Article 9 (right to freedom of thought, conscience and religion).

Thursday 5 October 2023

[Gurbanov v. Armenia \(no. 7432/17\)](#)

The applicant, Salman Gurbanov, is an Azerbaijani national who was born in 1968 and lives in Baku.

The applicant's 22-year-old son, a soldier in the Azerbaijani Armed Forces, was killed in military clashes that took place on the border between Azerbaijan and Armenia on 29 December 2016. His body was found in the Tavush region of Armenia.

The case concerns the delayed return by the Armenian authorities of the body, which was only handed over to his family on 5 February 2017.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect of private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination), the applicant complains of inhuman treatment, that he and his family had not been able to bury the body in accordance with their religious tradition, that no effective remedies were available and that the underlying reasons for the refusal to return the body were discriminatory.

[Ghazaryan and Bayramyan v. Azerbaijan \(no. 33050/18\)](#)

The applicants are Armen Ghazaryan and Astghik Bayramyan, who were born in 1959 and 1958, respectively, and live in the village of Berdavan in Armenia a few kilometres away from the border with Azerbaijan.

The case concerns the applicants' 39-year-old son who was apprehended in July 2018 in Azerbaijan not far from Berdavan where he lived with his parents. The Azerbaijani courts subsequently convicted him of conspiracy to carry out sabotage and terrorism attacks and sentenced him to 20 years' imprisonment. He was returned to Armenia in December 2020 as part of an exchange of prisoners.

The applicants rely in particular on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 (right to security and liberty) to complain about their son's capture, detention and trial.

[Sarl Couttolenc Frères v. France \(no. 24300/20\)](#)

The applicant is a company incorporated under French law with its registered office in Sauze (France). It has been operating ski-lifts on a commercial basis for several decades.

With the entry into force of the Mountain Development and Protection Act (Law of 9 January 1985), ski-lifts became a public service under the responsibility of municipalities, groupings of municipalities or *départements*. The applicant operated its business under private law for a 14-year transitional period, after which it signed a public-service concession agreement with the relevant public authority. Upon the expiry of that agreement, the public authority decided to take over the operation of the ski-lifts, which resulted in the transfer of the equipment necessary for the public service pursuant to the reversion of assets rule (*règle des biens de retour*).

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company complains that, as a consequence of the application of that rule, it was deprived of assets it had owned prior to the signing of the public-service concession agreement, without receiving compensation corresponding to their market value and pursuant to a rule that was neither accessible nor foreseeable.

[Ikotity and Others v. Hungary \(no. 50012/17\)](#)

The applicants, István Ikotity, Bernadett Szél and Róbert Benedek Sallai are three Hungarian nationals who were born between 1974 and 1977 and live in Hungary in Baja, Pécs and Mezőtúr

respectively. At the time of the events, they were opposition members of the Hungarian Parliament, and Ms Szél was the leader of the opposition party *Lehet Más a Politika* parliamentary group.

The case concerns the refusal to grant them permission to use posters during a parliamentary debate on the government's development plans for Budapest, and the sanctions they received for having used the posters without permission.

The applicants complain that those decisions infringed their right to freedom of expression as provided for in Article 10 of the Convention. They also complain under Article 13 that the remedies available with respect to the disciplinary sanctions imposed on them were ineffective.

[Shahzad v. Hungary \(no. 2\) \(no. 37967/18\)](#)

The applicant, Khurram Shahzad, is a Pakistani national who was born in 1986 and, according to the most recent information available, lives in Dubai (United Arab Emirates).

Mr Shahzad, an asylum-seeker, crossed into Hungary via Serbia in August 2016 by cutting the border fence. The case concerns his allegation that he was ill-treated by the Hungarian border police when being escorted back to Serbia.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Shahzad alleges that he was punched, kicked and beaten with batons and a metal rod during his forced removal, submitting a medical report issued a few hours later by a Serbian hospital certifying that he had two head wounds and bruises all over his body. He also alleges under Article 3 that the investigation into his criminal complaint was ineffective, in particular because the authorities failed to interview him at any point or to re-interview the police officers involved in the incident who had made contradictory statements.

[Ruciński v. Poland \(no. 22716/12\)](#)

The applicant, Andrzej Ruciński, is a Polish national who was born in 1958 and lives in Dobra (Poland).

The case concerns a lack of compensation for Mr Ruciński's loss of business profits due to decisions taken by the tax authorities that were disproportionate.

Relying on Article 1 of Protocol No. 1 (protection of property), Mr Ruciński complains that his business sustained serious losses because of the unlawful tax decisions and that the civil court, in rejecting the applicant's action for compensation for pecuniary damage, applied the law in a manner which disproportionately protected the State Treasury against claims brought by private individuals.

[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.

Thursday 5 October 2023

Name	Main application number
Citozi and Others v. Albania	13523/16
Gazulli v. Albania	11674/17
Zhivani v. Albania	50783/12
Aliyev v. Armenia	25589/16
Allahverdiyev v. Armenia	25576/16

Name	Main application number
Asgarova and Veselova v. Armenia	24382/15
Hoza v. Austria	37198/20
Gozalov v. Azerbaijan	31043/16
Hakobyan v. Azerbaijan	74566/16
Hasanov and Others v. Azerbaijan	2059/16
Huseynov and Others v. Azerbaijan	12542/21
Ohanyan and Others v. Azerbaijan	74508/16
Centre for Independent Living v. Bulgaria	67568/16
Čečura v. Croatia	23586/22
Hanuša v. the Czech Republic	15983/21
Spieler v. the Czech Republic	55312/22
P v. France	46990/21
Zoidze v. Georgia	33204/12
Koblenzer v. Germany	12239/20
Boulmazat and Ambetin v. Greece	20985/20
E.F. v. Greece	16127/20
Nikas v. Greece	44116/13
Karsai Dániel Ügyvédi Iroda and Others v. Hungary	47128/22
M.A. and Others v. Hungary	58680/18
O.Q. v. Hungary	53528/19
P.S. and A.M. v. Hungary	53272/17
Rostás and Others v. Hungary	51132/22
Brighenti and Others v. Italy	55789/21
Cappellari and Elvite v. Italy	56313/21
Carusi and Others v. Italy	7486/22
Cogni v. Italy	41277/21
Costa and Others v. Italy	55930/21
Curti and Mazza v. Italy	61002/21
De Luca and Others v. Italy	59159/21
Di Molfetta and Others v. Italy	15366/22
F.LLI BALSAMO SRL v. Italy	33370/20
Grbec and Others v. Italy	10315/22
L.F. v. Italy	4240/21
Maniaci v. Italy	47019/20
Marchini v. Italy	10476/21
P.S. and R.S. v. Italy	23691/22
Pagliuca and Others v. Italy	37955/22
Sarcina and Others v. Italy	39132/22

Name	Main application number
Speciale and Others v. Italy	6989/16
Strazzullo and Others v. Italy	52748/22
Vitiello and Others v. Italy	46669/22
Martinsons v. Latvia	4200/19
Hogemann v. the Netherlands	18138/20
Ł.K. v. Poland	20228/19
Mańkowski and Others v. Poland	20511/21
Młynarscy and Others v. Poland	62113/19
Ungeheuer and Others v. Poland	5726/20
da Silva Maciel v. Portugal	20069/21
Diță v. Portugal	7256/21
Sousa Espada and Others v. Portugal	27168/21
Gîrbu and Others v. the Republic of Moldova	72146/14
Hohlov and Others v. the Republic of Moldova	81519/12
Bădulescu v. Romania	8794/20
Chirilă and Others v. Romania	8894/18
Corb v. Romania	38695/16
Gheorghe and Dumbravă v. Romania	39679/16
Göbeş and Luca v. Romania	50239/16
Ivanov v. Romania	58506/19
Lăcătuş v. Romania	48875/16
Lăcătuş v. Romania	10444/18
Mocanu and Marcu v. Romania	47421/17
Năstase v. Romania	44679/16
Răduță and Avram v. Romania	27805/16
Stancu v. Romania	43529/16
Stoian v. Romania	35304/16
Stroia and Others v. Romania	26011/16
Voicu and Others v. Romania	20472/16
Boyarshinov and Others v. Russia	2829/18
Gorokhov and Others v. Russia	25692/19
Ishkov and Others v. Russia	17049/19
Korobitsyn and Others v. Russia	4717/19
Levinov and Others v. Russia	10142/19
Varzhabetyan and Others v. Russia	60851/12
Akarijaš and Others v. Serbia	6108/17
Bučić and Others v. Serbia	56611/22
Dmitrov and Others v. Serbia	21580/22

Name	Main application number
Gogić and Others v. Serbia	20246/20
Kostić v. Serbia	80294/17
Petrov and Others v. Serbia	13701/22
Stjepanović v. Serbia	48511/15
Vučenović v. Serbia	22590/22
Lešťan v. Slovakia	5852/23
Vajdová and Vajda and Others v. Slovakia	6900/23
Oven v. Slovenia	49199/22
Akyol v. Türkiye	10890/18
Doğanyigit v. Türkiye	63787/17
Seymen v. Türkiye	54762/13
Yigit v. Türkiye	33475/19
Avramchuk v. Ukraine	65906/13
Bogutskyy v. Ukraine	22699/16
Brodskyy v. Ukraine	18347/19
Dorokhov and Others v. Ukraine	52350/15
Dyakonov v. Ukraine	43490/20
Dyurki v. Ukraine	43530/21
Eastern Ukrainian Centre for Public Initiatives and Others v. Ukraine	18036/13
Gladkovskyy v. Ukraine	23946/20
Ivashchenko v. Ukraine	54219/13
Khomenko v. Ukraine	20212/13
Kozlovskaya v. Ukraine	52212/13
Kucher and Others v. Ukraine	27486/21
Leontyev and Others v. Ukraine	23249/14
Moyseyets and Others v. Ukraine	49701/12
Nezdymovskyy v. Ukraine	56163/21
Plotitsyn v. Ukraine	8899/22
Pshik and Shyshenko v. Ukraine	33688/17
Shaposhnikov and Others v. Ukraine	15153/19
Shtul and Others v. Ukraine	64290/17
Spesvytsev and Others v. Ukraine	29978/14
Zavadskiy and Others v. Ukraine	31173/17
Zhmud v. Ukraine	46880/21

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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.