

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 12 judgments on Tuesday 3 December 2024 and ten judgments and / or decisions on Thursday 5 December 2024.

*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 December 2024

[Svrtan v. Croatia \(application no. 57507/19\)](#)

The applicants are a couple, Željko and Biljana Svrtan, who were born in 1967 and 1968, respectively. They are both Croatian nationals.

The case concerns the death of their 12-year-old son in 2003 as a collateral victim in a shooting incident. The man responsible, S.K., had had a history of alcohol abuse, violent behaviour and suspected unlawful possession of firearms.

Relying on Article 2 (right to life) of the European Convention on Human Rights, the applicants allege that their son's death was the result of police negligence. In particular, if they had properly searched S.K.'s house, found and confiscated his illegally owned automatic rifle, the killing of their son could have been prevented.

[Giannakopoulos v. Greece \(no. 20503/20\)](#)

The applicant, Georgios Giannakopoulos, is a Greek national who was born in 1965 and lives in Rhodes (Greece).

The case concerns the custody proceedings between Mr Giannakopoulos and his ex-wife E.B., a German national. They had two children together, a girl born in 2010 and a boy born in 2012. Separate proceedings were taken in Greece and in Germany. In 2017, the Dodecanese Court of Appeal declined to hear Mr Giannakopoulos's appeal. In particular, the Greek courts had no jurisdiction as, crucially, the children had already been habitually resident in Germany for a period of over a year. The Court of Cassation confirmed that decision.

Relying on Article 8 (right to respect for private and family life) of the European Convention, Mr Giannakopoulos complains of the rejection of his application for custody of his children.

[Espírito Santo Silva Salgado v. Portugal \(no. 30970/19\)](#)

The applicant, Ricardo Espírito Santo Silva Salgado, is a Portuguese national who was born in 1944. Until July 2014 he was the chairman of the board of directors of the private bank Banco Espírito Santo and of Espírito Santo Financial Group, S.A.

The case concerns administrative proceedings initiated against the applicant by the Bank of Portugal. He alleges that, on account of various public statements made by the Governor of the Bank of Portugal at the time, he did not receive a fair hearing by an independent and impartial tribunal and that his right to be presumed innocent was impaired. He relies on Article 6 §§ 1 and 2 of the Convention.

M.Ş.D. v. Romania (no. 28935/21)

The applicant, Ms M.Ş.D., is a Romanian national who was born in 1997 and lives in Craiova (Romania).

Following the breakup of a relationship in 2016, when M.Ş.D. was 18 years of age, her ex-boyfriend, V.C.A., among other allegations, sent intimate pictures of her to family members and others, and posted the pictures, along with her personal details, on escorting websites. The case concerns the police and court proceedings that followed, including her allegations of partiality and unprofessionalism on the part of a police officer. Most of the charges against V.C.A. were ultimately dropped.

Relying on Article 8 (right to respect to private and family life) separately and in conjunction with Article 14 (prohibition of discrimination), Ms M.Ş.D. alleges a failure on the part of the authorities to protect her right to respect for private life, and that the reasons for the failure resulted from unequal treatment as she is a woman.

Yevstifeyev and Others v. Russia (nos. 226/18, 236/18, 2027/18, and 22327/22)

The applicants are four Russian nationals, Aleksey Borisovich Yevstifeyev, Ruslan Alfatovich Miniakhmetov, Daniil Sergeyevich Grachev and Andrey Aleksandrovich Petrov. They were born in 1991, 1986, 1993 and 1984, respectively. The first three applicants live in St Petersburg, while the fourth lives in Moscow.

All four applicants are LGBTI (lesbian, gay, bisexual, transgender and intersex)-rights activists. Their applications concern allegations of the State's inadequate response to incidents of homophobic speech.

In 2015 the first three applicants lodged a series of unsuccessful complaints criminal, administrative-offence and civil – against a well-known politician who, they alleged, had shouted insults and threats at them at a rally they had taken part in in St Petersburg. The applicants complained in particular that the politician had called the participants in the anti-hatred rally “perverts”, “scumbags”, “Aids-ridden” and “paedophiles”. He had also apparently said that the applicants should be “liquidated” and “crushed with tanks and tractors”.

In 2020 Mr Petrov, the fourth applicant, also lodged unsuccessful complaints concerning a video of a father and his son hunting gay men in a forest published on Instagram by a well-known comic actor and television presenter. The “gay hunt”, set in 2035, was a parody of another video published shortly before a national referendum on amendments to the Russian Constitution, which had called in particular on the public to vote for an amendment defining marriage as a relationship between a man and a woman.

Relying on Articles 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination), the applicants allege that the Russian authorities failed to comply with their duty under the Convention to protect them from discrimination based on their sexual orientation.

Çatak and Others v. Türkiye (no. 33189/21)

The applicants are four Turkish nationals who were born between 1944 and 1974. They owned a property located in Bursa (Türkiye), part of which was expropriated under the urgent expropriation procedure as part of a road-construction project.

The case concerns the allegation to the effect that the expropriating authorities took advantage of a loophole in the urgent expropriation legislation to delay full payment of the applicants' compensation. The applicants rely on Article 1 of Protocol No. 1 (protection of property) and on Article 6 (right to a fair hearing) of the Convention.

Ceyhan v. Türkiye (no. 5576/19)

The applicant, Kadri Ceyhan, is a Turkish national who was born in 1990 and lives in Diyarbakır (Türkiye).

The case concerns the circumstances surrounding the explosion of a shell that had gone astray during a military exercise near the village where the applicant lived, resulting in the loss of his right hand, and the effectiveness of the ensuing criminal proceedings.

Relying on Article 2 of the Convention, the applicant complains of an infringement of his right to life, pointing out that it was purely by chance that he survived his injury.

Kasım Özdemir and Mehmet Özdemir v. Türkiye (no. 18980/20)

The applicants, Mehmet and Kasım Özdemir, father and son, are two Turkish nationals who were born in 1956 and 1984, respectively. They live in Kilis (Türkiye).

The case concerns the applicants' complaint that a gendarme had shot them in the legs on 10 November 2014 during an incident in their village. A gendarme patrol had been chasing a suspect vehicle and had entered the applicants' village, Deliosman. According to the applicants the commanding officer had started to shoot at random, while the gendarmes alleged that they had found themselves in an ambush, with villagers throwing stones at them. The commanding officer stated that he had only fired at the applicants' legs after firing warning shots and when Kasım Özdemir had attempted to grab his rifle.

The ensuing investigation into the applicants' shooting resulted in a decision not to prosecute. Following another investigation, the applicants were found guilty for resisting the gendarmes but their sentences were not pronounced by the domestic court.

Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination), the applicants allege that the gendarme's use of force against them was not justified and caused them serious injuries, and that the authorities' investigation into the shooting was ineffective.

Thursday 5 December 2024

El Aroud and B.S. v. Belgium (nos. 25491/18 and 27629/18)

The case concerns the deprivation of Belgian nationality ordered against two dual nationals convicted in Belgium on terrorism-related charges.

The applicants are Malika El Aroud and B.S. Ms El Aroud (application no. 25491/18) was born in Morocco in 1959 and has Moroccan citizenship. She arrived in Belgium at the age of five. Mr B.S. (application no. 27629/18) was born in Algeria in 1973 and has Algerian citizenship. He arrived in Belgium in 1976. They complain primarily of an infringement of their right to respect for their private and family life under Article 8 of the Convention, and that they were deprived of their right of appeal within the meaning of Article 2 of Protocol No. 7.

Giesbert and Others v. France (no. 835/20)

The applicants, Franz-Olivier Giesbert, Christophe Labbé and Mélanie Delattre, are French nationals who were born in 1949, 1967 and 1978 respectively. They live in Paris.

The case concerns the conviction of the applicants – the publication director of *Le Point* magazine and two journalists working for that weekly – for defamation as a result of the publication, on 27 February 2014, of an article entitled "The Copé Affair" on the Bygmalion company and its links to the UMP political party and to that party's then leader, Mr Jean-François Copé.

The applicants submit that they were convicted in breach of Article 10 (freedom of expression) of the Convention.

[M.B. v. France \(no. 31913/21\)](#)

The applicant, M.B., is a Tunisian national who was born in 1988 and lives in Montreal (Canada).

The case concerns a preventive measure taken against the applicant on counter-terrorism grounds.

In an order of 19 November 2020 the Minister of the interior placed the applicant under an individual administrative control and monitoring order (*mesure individuelle de contrôle administratif et de surveillance* – “MICAS”), prohibiting him from travelling outside the Paris, Hauts-de-Seine, Seine-Saint-Denis and Val-de-Marne *départements* without prior authorisation and requiring him to report to a police station close to his home once a day, for a period of three months.

Relying on Article 2 of Protocol No. 4 (freedom of movement), the applicant complains, first, of the lack of clarity and foreseeability of the legal basis for the MICAS imposed on him and, second, of disproportionate interference with his freedom of movement. Relying on Article 6 § 1 (right to a fair hearing), he complains that he was never heard by the domestic courts in a public hearing and that their reliance on evidence in the form of “*notes blanches*” (short, unsigned reports produced by the intelligence services) was unfair.

[Kezerashvili v. Georgia \(no. 11027/22\)](#)

The applicant, David Kezerashvili, is a Georgian and Israeli national, who was born in 1978. He lives in London. He was a founding member of the United National Movement (“the UNM”), a political party which governed Georgia between 2003 and 2012, holding several posts, including Minister of Defence. He left public office in 2008.

Between 2013 and 2015 five sets of criminal proceedings were brought against Mr Kezerashvili. The case concerns the set of proceedings in which he was, among other things, tried and convicted *in absentia* of embezzlement.

Relying on Article 6 §§ 1 and 3 (right to a fair trial), Mr Kezerashvili alleges that the Criminal Chamber of the Supreme Court which examined his case was not an “independent and impartial tribunal established by law”, citing in particular misgivings about one of the judge’s eligibility for office and his impartiality. He also alleges that his conviction was not fair because the Supreme Court had overturned the lower courts’ decisions acquitting him via written proceedings, without giving sufficient reasons. He also alleges that there was an ulterior motive behind his prosecution and conviction, namely to silence him as a political opponent, in breach of Article 18 (limitation on use of restriction on rights), in conjunction with Article 6.

[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.

Tuesday 3 December 2024

Name	Main application number
Liquidation Estate of the Commercial Company Poljičan-Rašica d.o.o. v. Croatia	39761/18
Kesler and Others v. Türkiye	18809/18
Kurtoğlu Karacık and Others v. Türkiye	62622/15
Sert and Others v. Türkiye	15659/20

Thursday 5 December 2024

Name	Main application number
Isoldi v. Italy	22147/20
Sidor v. Poland	55853/15
Roberti v. San Marino	11536/23
Çamurşen v. Türkiye	42883/19
Demirhan v. Türkiye	10509/20
Polat v. Türkiye	22278/20

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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.