



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 18 judgments on Tuesday 4 October 2022 and 50 judgments and / or decisions on Thursday 6 October 2022.

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 4 October 2022

[Besnik Cani v. Albania \(application no. 37474/20\)](#)

The applicant, Besnik Cani, is an Albanian national who was born in 1970 and lives in Tirana.

He is a former prosecutor who was dismissed in 2020 after vetting proceedings against him concluded that declarations on his and his relations assets were inaccurate. Due to widespread concern about corruption, Albania had embarked in 2016 on a far-reaching reform of the justice system, including the vetting of all judges and prosecutors. The case concerns his doubts about one of the judges appointed to hear his case.

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights, Mr Cani alleges in particular that one of the judges who had been on the bench of the Special Appeal Chamber (the "SAC") examining his case should have been disqualified because he had previously been dismissed from his office as a district court judge. The applicant therefore alleges that the SAC was not "a tribunal established by law" within the meaning of the European Convention. He also relies on Article 8 (right to respect for private life) and Article 13 (right to an effective remedy).

[Mortier v. Belgium \(no. 78017/17\)](#)

The applicant, Tom Mortier, is a Belgian national who was born in 1976 and lives in Rotselaar (Belgium).

The case concerns the death by euthanasia of the applicant's mother, without his or his sister's knowledge.

Relying on Article 2 (right to life) of the European Convention on Human Rights, he alleges that the State failed to fulfil its obligations to protect his mother's life, since the statutory procedure for euthanasia was allegedly not followed in her case.

Relying on Article 13 (right to an effective remedy) of the Convention, he complains about the lack of an in-depth and effective investigation into the matters raised by him.

Under Article 8 (right to respect for private and family life) of the Convention, he alleges that in failing to effectively protect his mother's right to life the State has also breached this provision.

[Pinkas and Others v. Bosnia and Herzegovina \(no. 8701/21\)](#)

The applicants are 51 nationals of Bosnia and Herzegovina who were born between 1953 and 1985. They were, or still are, judicial clerks at the Court of Bosnia and Herzegovina.

The case concerns the difference in treatment regarding allowances for meals, travel and family separation between judges and judicial clerks and the court proceedings on that matter. The latter category received their allowances from January 2013 onwards only, whereas judges were paid for

the period prior to that. This situation came about owing to a decision by the Constitutional Court in 2013, in which the lack of allowances up to then was ruled unconstitutional, and later civil proceedings at several levels of jurisdiction.

They rely on Article 6 § 1 (right to a fair trial) and Article 14 (prohibition of discrimination) of the Convention, and Article 1 of Protocol No. 1 (protection of property) and Article 1 of Protocol No. 12 (general prohibition of discrimination) to the Convention.

[Paketova and Others v. Bulgaria \(nos. 17808/19 and 36972/19\)](#)

The applicants are 56 Bulgarian nationals who are members of several families of Roma origin. At the time of the events they lived in Voyvodinovo, a village in Maritsa municipality, Plovdiv region.

The case concerns the applicants' complaint that they were forced to leave their homes in January 2019, following a fight in the village between one of the applicants and a non-Roma and the gathering of angry members of the local population, joined by radical extremist groups, shouting anti-Roma slogans and threatening violence.

The applicants rely on Articles 3 (prohibition of inhuman or degrading treatment), Article 8 (right to respect for private and family life and home), 13 (right to an effective remedy) and 14 (prohibition of discrimination) to complain that the whole Roma community of the village was effectively subjected to a collective expulsion. They further submit that both the village mayor and the police played a major role in the expulsion and subsequent obstacles to their return, refusing to protect them from racially based hostility.

[Angerjäär and Greinoman v. Estonia \(nos. 16358/18 and 34964/18\)](#)

The applicants, Mart Angerjäär and Maksim Greinoman, are Estonian nationals who were born in 1980 and 1979 and live in Viimsi and Tallinn respectively. They are both lawyers.

The case concerns the applicants' attempts to challenge their removal from civil-court proceedings, in which they were acting as counsel, by judges and the impact their removal had on their private lives. Mr Angerjäär was removed from a case before the Harju County Court for alleged inappropriate behaviour, bad faith and contempt of court. In Mr Greinoman's case, removal had been ordered in a case before the same court for allegedly acting irresponsibly and for dishonesty.

Relying on Article 6 § 1 (right to a fair trial) and Article 8 (right to respect for private and family life), the applicants complain of the impossibility for them to challenge the decisions by which they had been removed from court proceedings in which they had been representing their clients. They raise doubts as to the partiality of the judges who removed them and note that they had not been heard before their removal. They also complain of loss of earnings and reputational damage as a result.

[De Legé v. the Netherlands \(no. 58342/15\)](#)

The applicant, Levinus Adrianus de Legé, is a Dutch national who was born in 1934 and lives in El Campello (Spain).

The case concerns tax adjustments and fines imposed on the applicant following his failure to provide all information relevant for the purpose of tax levying, namely information relating to a bank account he held in Luxembourg.

Relying on Article 6 § 1 (right to a fair trial), the applicant complains that he was coerced into submitting bank documents concerning a foreign bank account for use in tax proceedings which led to his being fined by the tax authorities. He alleges disrespect of the privilege against self-incrimination, the *nemo tenetur* principle.

[Kara-Murza v. Russia \(no. 2513/14\)](#)

The applicant, Vladimir Vladimirovich Kara-Murza, is a British and Russian national who was born in 1981 and currently lives in Moscow. He has held Russian nationality since birth and was granted British nationality following his moving to the United Kingdom with his mother at the age of 15. He is an opposition politician and journalist.

The case concerns the annulment of the applicant's registration as a candidate in regional elections in 2013 because he has dual nationality.

Relying on Article 3 of Protocol No. 1 (right to free elections), the applicant alleges in particular that the domestic courts simply banned him from standing for election because he has dual nationality, without making an individualised assessment of his situation, and that the ban affected a large number of Russian nationals, given that many had acquired nationalities of new countries formed after the dissolution of the Soviet Union.

[İkiztaş Elektrik Taahhüt Ticaret Ve Sanayi Limited Şirketi v. Türkiye \(no. 21962/15\)](#)

The applicant company, İkiztaş Elektrik Taahhüt Ticaret Ve Sanayi Limited Şirketi, is a Turkish limited liability company based in Mersin (Türkiye).

The case concerns the payment of a sum of money by the applicant company to the municipality under the head of "parking charges", as part of an application for permission to construct a building, and the municipality's failure to deliver the parking spaces in return.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 6 (right to a fair hearing), the applicant company complains that it paid the municipality a tax for parking spaces to be allocated to it but received nothing in return.

[Işgın v. Türkiye \(no. 41747/10\)](#)

The applicant, İbrahim Işgın, is a Turkish national who was born in 1980 and lives in Ordu (Türkiye).

The case concerns enforcement proceedings against a private company, *Eytur*, which was found liable for an accident at a hotel in March 2005 in which the applicant sustained irreversible neurological damage when electrocuted whilst working there as a waiter. Since then he has been 98% disabled and living under guardianship.

In December 2008 *Eytur* was ordered to pay sums equivalent to about 174,345 euros (EUR) and EUR 10,000 in respect of pecuniary damage and non-pecuniary damage, respectively. The judgment became final but the applicant was unable to recover the debt because the company had become insolvent in the interim. In April 2017 the outstanding judgment debt amounted to about EUR 237,364.

Relying on Article 3 (prohibition of inhuman or degrading treatment) as well as Articles 6 (right to a fair hearing), 13 (right to an effective remedy) and 14 (prohibition of discrimination), the applicant complains of, among other matters, the circumstances surrounding the failure of the mechanism for enforcement of the judgment debt.

Thursday 6 October 2022

[Khural and Zeynalov v. Azerbaijan \(no. 55069/11\)](#)

The first applicant, *Khural*, is a newspaper published in Baku. It has legal personality under Azerbaijani law. The second applicant, Avaz Tapdig oglu Zeynalov, a founder and the editor-in-chief of *Khural*, was born in 1970 and lives in Baku.

The case concerns the civil liability of the *Khural* newspaper for publishing defamatory statements about a well-known high-ranking government official.

The applicants complain under Article 10 of the Convention that the civil defamation proceedings against the newspaper and the ensuing penalty breached their right to freedom of expression. The *Khural* newspaper also argues that the penalty imposed on it for non-pecuniary damage was unduly harsh and excessive and caused its closure.

[Mustafa Hajili and Others v. Azerbaijan \(nos. 69483/13, 76319/13, and 30456/14\)](#)

The applicants are six Azerbaijani nationals who are members of a political group called the Public Chamber.

The case concerns the authorities' refusal to authorise three public demonstrations in Baku. The applicants planned the demonstrations in 2012 to protest against and make demands about various political matters.

Relying on Article 11 (freedom of assembly), all six applicants complain that the refusals to authorise their peaceful public demonstrations, or to authorise them at the planned locations, was neither lawful nor necessary. The applicants in the first case also rely on Article 10 (freedom of expression).

All the applicants also allege that the domestic courts' decisions with regard to their complaints were not sufficiently reasoned, in breach of Article 6 § 1 (right to a fair trial).

[B.Ü. v. the Czech Republic \(no. 9264/15\)](#)

The applicant, Mr B.Ü., is a Turkish national who was born in 1975 and lives in Türkiye. At the time of the events in question he lived in the Czech Republic.

The case concerns Mr B.Ü.'s detention in Prague Airport and later at the Bělá Jezová detention centre for foreigners, after having been removed to the Czech Republic from Switzerland, for the purposes of processing his administrative expulsion to Turkey. He alleges severe ill-treatment by the authorities, including being beaten with a truncheon and kicked, teargas being used, and being held under a strict regime. It also concerns the resulting investigative proceedings.

Relying on Article 3 (prohibition of inhuman and degrading treatment) and Article 13 (right to an effective remedy), Mr B.Ü. complains, in particular, of his ill-treatment at the airport, and of his conditions of detention, including alleged denial of medical care, while in the detention centre.

[S v. France \(no. 18207/21\)](#)

The applicant, S, was born in 1980 in Dagestan, Russia.

The case concerns proceedings for the removal of the applicant, a Russian national of Chechen origin, from France to Russia.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicant complains that enforcement of the order for his removal to Russia would put him at risk of treatment contrary to Article 3, in particular because he is from the North Caucasus and is suspected of terrorism and of being connected to the Chechen uprising.

[Thevenon v. France \(no. 46061/21\)](#)

The applicant, Mr Pierrick Thevenon, is a French national who was born in 1988 and lives in Saint-Martin-en-Haut. He is a firefighter, both on a professional and on a volunteer basis.

The case concerns the COVID-19 vaccine mandate imposed on healthcare workers pursuant to the Public Health Emergency Act (Law no. 2021-1040 of 5 August 2021).

Relying on Article 8 (right to respect for private and family life) read alone and in combination with Article 14 (prohibition of discrimination), and on Article 1 of Protocol No. 1 (protection of property), the applicant complains of the vaccination requirement imposed on him by virtue of his occupation, and of the fact that his refusal to get the COVID-19 vaccine led, as of 15 September 2021, to his suspension from work and the complete loss of his pay.

[Juszczyszyn v. Poland \(no. 35599/20\)](#)

The applicant, Paweł Juszczyszyn, is a Polish national who was born in 1972 and lives in Olsztyn (Poland). He is a judge.

The case concerns the Disciplinary Chamber of the Supreme Court's disciplinary measures against Mr Juszczyszyn, who issued a court order for information on appointments of judges via the "new" National Council of the Judiciary.

Relying on Articles 6 § 1 (right to a fair trial), 8 (right to respect for private and family life), and 18 (limitation on use of restrictions on rights), and Article 1 of Protocol No. 1 to the Convention (protection of property), the applicant complains, in particular, that the Disciplinary Chamber of the Supreme Court is not a "tribunal established by law"; that the members of the Disciplinary Chamber were acting partially in refusing to admit argument concerning judicial appointments, which was in their own interest; that his suspension was a breach of his right to respect for his private life; and that that suspension was not for any legitimate interest, but instead was intended to sanction and dissuade him from verifying the lawfulness of the appointment of judges; and that the long period in which his salary was reduced by 40% was disproportionate.

[Liu v. Poland \(no. 37610/18\)](#)

The applicant, Hung Tao Liu, from Taiwan, was born in 1980 and is currently detained in the Warsaw-Białoleka Remand Centre.

The case concerns the extradition proceedings brought against the applicant, on conclusion of which (in 2020) the Polish courts authorised his handover to the authorities of the People's Republic of China. He is wanted for trial there in connection with a vast international telecoms-fraud syndicate following a Sino-Spanish investigation. It also concerns his detention in Poland pending extradition.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 5 § 1 (right to liberty and security), and Article 6 § 1 (right to a fair trial), Mr Liu complains that if extradited to China he would be at risk of torture or inhuman treatment, and he would not be able to secure a fair trial, and that his detention pending extradition was arbitrary and unduly lengthy.

[Suslov and Batikyan v. Ukraine \(nos. 56540/14 and 57252/14\)](#)

The applicants are Merabi Otarovich Suslov, a Russian and Armenian national, and David Batikovich Batikyan, an Armenian national. They were born in 1963 and 1965 respectively.

The case concerns the applicants' trial for aggravated murder, for which they received life sentences. Mr Suslov was convicted for ordering and acquiring the means to carry out a contract killing, and Mr Batikyan for carrying out the assassination in Kyiv.

Relying on Article 6 (right to a fair trial), both applicants complain that their trial was held in camera and that those proceedings were unfair. Mr Suslov additionally complains under Article 6 that he was excluded from the courtroom for a substantial part of the trial. Mr Batikyan also alleges, in particular, suffering ill-treatment and psychological duress in police custody, and complains of his detention conditions, in breach of Article 3 (prohibition of inhuman and degrading treatment).

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 4 October 2022

Name	Main application number
Al-Tbakhi v. Russia	51973/18
Campanelli v. Russia	35474/20
Chakhmakhchyan and Oganessian v. Russia	26129/09
Gordanov v. Russia	7434/18
Khutsishvili and Others v. Russia	54584/08
Kudayev and Others v. Russia	4261/06
L.A. and Others v. Russia	27368/19
Navalnyy and Others v. Russia	25809/17
Yudin and Others v. Russia	34963/12

Thursday 6 October 2022

Name	Main application number
Denyalı and Others v. Cyprus	25652/19
Abdelhadi and Others v. France	40814/20
Zerbane v. France	40401/20
Filips v. Germany	36306/20
Turceac and Cerchez v. the Republic of Moldova	11972/16
Ukrainian Orthodox Parish of the Holy Trinity Church in Noginsk and Others v. Russia	78909/17
Ağcakaya v. Türkiye	39365/18
Aksoy and Others v. Türkiye	33647/18
Demirtaş v. Türkiye	4592/12
Dursun v. Türkiye	12895/20
Eraslan v. Türkiye	45768/12
Ercan v. Türkiye	47210/19
Temiz v. Türkiye	64879/17
Yazıcıoğlu v. Türkiye	15687/13
Adamovych v. Ukraine	2564/21
Bantysh and Others v. Ukraine	13063/18
Bíró and Others v. Ukraine	77948/13
Boldyrev and Others v. Ukraine	19957/21
Demidetskiy v. Ukraine	50829/09

Name	Main application number
Gilyov and Others v. Ukraine	17869/21
Gorbunenko v. Ukraine	23534/20
Ignatchenko v. Ukraine	27265/18
Kornilov v. Ukraine	25633/18
Kryzhanovskyy and Others v. Ukraine	16218/17
Kucherenko and Others v. Ukraine	17411/21
Kushtyev and Others v. Ukraine	15984/21
Leontyev v. Ukraine	9262/19
Makarov and Others v. Ukraine	49715/18
Myshchyshyn v. Ukraine	41557/13
Ostapenko and Others v. Ukraine	19143/21
Panchenko and Goreglyad v. Ukraine	62266/19
Parkhomenko and Others v. Ukraine	13422/21
Perspektyvnyy v. Ukraine	9225/20
Pushkaryov v. Ukraine	55770/19
Ramazanov v. Ukraine	31757/20
Ramazonov v. Ukraine	31754/20
Smagina and Vladimirov v. Ukraine	41891/15
Suslov v. Ukraine	46298/19
Telepenko v. Ukraine	31763/20
Volozhanin and Others v. Ukraine	8810/21
Volyk v. Ukraine	8942/17
Zalevskyy and Vitkovskyy v. Ukraine	35093/19

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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.