



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 14 judgments and / or decisions on Tuesday 5 July 2022 and 54 judgments and / or decisions on Thursday 7 July 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 5 July 2022

[Drousiotis v. Cyprus \(application no. 42315/15\)](#)

The applicant, Makarios Drousiotis, is a Cypriot national who was born in 1959 and lives in Nicosia.

The case concerns a judgment given against Mr Drousiotis, a journalist, in civil defamation proceedings. The domestic courts found against him for an article published in *Politis*, a daily newspaper, on the Government's extending of the term of office of a then high-ranking attorney in the Law Office of the Republic of Cyprus past the compulsory retirement age.

Mr Drousiotis relies on Article 10 (freedom of expression) of the European Convention on Human Rights.

[Loizides v. Cyprus \(no. 31029/15\)](#)

The applicant, Andreas Loizides, is a Cypriot national who was born in 1958 and lives in Nicosia.

In 2011 Mr Loizides was the Chief of the Special Unit for Disaster Response in Cyprus. Following the Evangelos Florakis Naval Base explosion in that year, which led to the death of thirteen people and numerous casualties, Mr Loizides was convicted of causing death by a rash, reckless or dangerous act, and sentenced to two years' imprisonment. The case concerns his trial, in particular the appeal verdict.

Relying on Articles 6 § 1 (right to a fair trial) and 2 (presumption of innocence), and 13 (right to an effective remedy) of the European Convention and Article 2 § 1 of Protocol No. 7 (right of appeal in criminal matters) to the Convention, the applicant complains that the dismissal of his appeal as a consequence of a tie vote was in breach of his right to have a fair trial. He alleges various irregularities in the proceedings. He also complains that the burden of proof was reversed in his trial, that he was denied review of his conviction, and that there was no effective remedy for his complaints.

[Association of Civil Servants and Union for Collective Bargaining and Others v. Germany \(nos. 815/18, 3278/18, 12380/18, 12693/18, and 14883/18\)](#)

The applicants are three German trade unions: the Association of Civil Servants and Union for Collective Bargaining, *Marburger Bund* – the Association of Employed and State-employed Physicians in Germany and the Trade Union of German Train Drivers; and, six German nationals, who are members of the third applicant trade union.

The case concerns trade-union rights and notably legislation in Germany regulating conflicting collective agreements. In particular, in the event of a conflict, only the collective agreement of the largest trade union remains applicable.

Relying on Article 11 (freedom of association) of the Convention, the applicants complain that the relevant provisions of the Uniformity of Collective Agreements Act violated their right to form and join trade unions, including the right to collective bargaining. They argue in particular that the legislation resulted in their not being able to conclude collective agreements in companies in which a different trade union had more members, and in employers no longer wishing to negotiate with them.

[Lilian Erhan v. the Republic of Moldova \(no. 21947/16\)](#)

The applicant, Lilian Erhan, is a Moldovan national who was born in 1974 and lives in Chişinău.

The case concerns the applicant's conviction for drink driving. The courts relied on his breathalyser test rather than on a blood test taken later at hospital, which was ruled inadmissible as he had been unaccompanied when giving it. Mr Erhan asserts that he tried to get a police officer to accompany him, to no avail.

Relying on Article 6 (right to a fair trial) and Article 8 (right to respect for private and family life), Mr Erhan alleges, in particular, that it was impossible for him to secure the relevant proof, thus harming the principle of equality of arms and the principle of legality, rendering his trial unfair. He also complains that he lost his job as a result of his conviction.

[Dimici v. Türkiye \(no. 70133/16\)](#)

The applicants, Ahmet Dimici and Necla, Emine and Şaban Yıldırım Dimici, are Turkish nationals who were born in 1932, 1955, 1956 and 1959 respectively. They live in various towns in Türkiye.

The case concerns the conditions governing the distribution of surplus income from the Örfioğlu Foundation (set up in 1536 during the Ottoman period, in Diyarbakır), which were grounded in a difference in treatment based on the sex of the entitled persons.

The applicants are the heirs of Necmiye Dimici (the wife of Ahmet Dimici and mother of the remaining three applicants), whose father had been administrator of the Örfioğlu Foundation until his death in 1982. The Foundation now has official status under Turkish law (*vakıf*) and belongs to the category of *mülhak* foundations; this means that it is managed by the descendants of the founder. Its income is assigned to certain charitable projects and the surplus income is paid to the "descendants of the founder" on the basis of the degree of kinship in the direct line. According to the applicants, the Foundation's assets were estimated, in 2015, at about 207 million euros and its annual income at about 3.7 million euros.

The applicants complain that Necmiye Dimici was deprived, on the ground of her sex, of the sums that the Foundation pays to the descendants of its founder. The domestic courts refused to recognise Necmiye Dimici as a claimant to the surplus income, basing their decisions solely on the provisions of the founding instrument, dating from the 16th century, according to which only male descendants could receive income from the Foundation. In this regard, the applicants rely on Article 1 of Protocol No. 1 (protection of property) to the Convention, taken together with Article 14 (prohibition of discrimination), alleging discrimination based on sex.

The applicants Necla, Emine and Şaban Yıldırım Dimici have informed the Court that they wish to maintain the part of the application concerning their father, Ahmet Dimici, who died in 2018.

Thursday 7 July 2022

[Tagiyeva v. Azerbaijan \(no. 72611/14\)](#)

The applicant, Maila Bulud gizi Tagiyeva, is an Azerbaijani national who was born in 1964 and lives in Baku.

The case concerns the death of the applicant's husband, Rafig Tagiyev, following his stabbing on 19 November 2011. Mr Tagiyev was a well-known writer and columnist. He was known in particular for his critical views on Islam, and a religious fatwa was issued in Iran in 2006 calling for his death after the publication of a series of articles, the "East-West studies", he had authored. The investigation into his killing was suspended in 2013 because it had not been possible to identify the perpetrator. The national courts dismissed all the applicant's subsequent challenges to this decision.

Relying on Articles 2 (right to life), 10 (freedom of expression) and 13 (right to an effective remedy), the applicant complains that the State failed to protect her husband's right to life, that the criminal investigation into his murder was ineffective, and that he was targeted on account of his publications.

[Jurišić v. Croatia \(no. 2\) \(no. 8000/21\)](#)

The applicant, Stjepan Jurišić, is a Croatian national who was born in 1970 and lives in Sesvetski Kraljevec (Croatia).

The case concerns a contact dispute over the applicant's son, born in 2006.

In a previous judgment of 16 January 2020 ([Jurišić v. Croatia](#), application no. 29419/17), the European Court found that the applicant had been unable to have any meaningful contact with his son practically since birth, notably on account of non-enforcement of judicial decisions in his favour. Enforcement of that judgment is still pending before the Committee of Ministers, the executive arm of the Council of Europe.

Since this 2020 judgment the Croatian courts have issued fresh decisions for gradually re-establishing contact between the applicant and his son, while the mother has been found guilty of obstruction.

In this second application to the European Court the applicant complains under Article 8 (right to respect for private and family life) about his continued inability to have contact with his son.

[SCI Le Château du Francport v. France \(no. 3269/18\)](#)

The applicant is the Société Civile Immobilière Le Château du Francport, a company formed under French law.

The case concerns the seizure, in the context of a criminal investigation, of a château belonging to the applicant company – the Société Civile Immobilière Le Château du Francport –, its return in a deteriorated condition four years later and the dismissal of a claim for compensation submitted by the applicant company on the grounds that it had not adduced evidence that the damage resulted from gross negligence by the State.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant company alleges that its claim for compensation was dismissed on the grounds that it had not adduced evidence that the damage was directly imputable to the State, although no effective protection or conservation measure had been taken by the national authorities responsible for the upkeep and conservation of the château throughout the duration of its seizure.

[Thibaut v. France \(nos. 41892/19 and 41893/19\)](#)

The applicants, Jean-Marie Thibaut and Guillaume Thibaut, are French nationals who were born in 1949 and 1975 respectively and live in Tourmignies (France). They are members of the association Rassemblement pour l'évitement des lignes électriques dans le Nord (RPEL 59).

The case concerns opposition to a plan to replace the existing power line between Avelin and Gravelle in the Nord Pas-de-Calais region with a new 400 kV double-circuit line, most of it overhead,

comprising some twenty cables supported by 78 pylons at a height of 70m, over a distance of about 30 kilometres.

Relying on Articles 2 (right to life) and 8 (right to respect for private and family life and the home), and on the precautionary principle, the applicants argue that the construction of a very high voltage Avelin-Gavrelle power line creates a risk for the health of persons living near it, on account of the resulting magnetic fields, and, in consequence, that it will have an impact on their peaceful enjoyment of their homes. They criticise the fact that the company responsible for the project has rejected the option of putting the line underground and submit that they cannot escape the permanent anxiety caused by their exposure to this risk by moving house, since the proximity of this structure is lowering the value of their houses and making it difficult to sell them.

[Safi and Others v. Greece \(no. 5418/15\)](#)

The application was lodged by a group of 16 applicants, made up of 13 Afghan nationals, two Syrian nationals and a Palestinian national.

The case concerns the sinking on 20 January 2014 of a fishing boat transporting 27 foreign nationals in the Aegean, off the island of Farmakonisi. The applicants were on board the vessel, the sinking of which resulted in the death of 11 persons, including relatives of the applicants.

According to the applicants, the coastguard ship was travelling at very high speed in order to push the refugees back towards Turkish waters, and this caused the fishing boat to capsize. According to the national authorities, the vessel was towed toward the island of Farmakonisi in order to save the refugees.

Relying on Article 2 (right to life) of the Convention, the applicants consider that, on account of the actions and/or omissions of the coastguards, their lives were put in danger when the boat sank. Some of the applicants also complain about the death of their relatives on that occasion.

Relying on Article 2 of the Convention under its procedural head, they allege that the administrative and judicial investigation conducted by the national authorities to identify those responsible for this fatal accident was inadequate.

Under Article 13 (right to an effective remedy) of the Convention, they submit that they did not have an effective domestic remedy whereby they could raise their complaints under Article 2.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, they complain of inhuman and/or degrading treatment following their transfer by the coastguards to the island of Farmakonisi.

[Torosian v. Greece \(no. 48195/17\)](#)

The applicant, Garik Torosian, is an Armenian national who was born in 1983. He lives in Thessaloniki (Greece). On 16 February 2015 he was arrested pursuant to an arrest warrant issued by an investigating judge and placed in pre-trial detention in relation to criminal proceedings that were pending against him for armed robbery, committed jointly and in coincidence with other offences and in a particularly brutal manner against persons, resulting in death and serious bodily injury. In 2020 he was sentenced twice by the appeal court to life imprisonment. The applicant appealed on points of law.

The case concerns the applicant's allegation that he was subjected to ill-treatment by police officers on the day of his arrest. It also concerns the criminal and disciplinary proceedings against those police officers.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), the applicant alleges that he was submitted to physical violence by the police officers during his arrest.

Relying on Article 13 (right to an effective remedy), he submits that the administrative and judicial authorities did not carry out an effective investigation into his allegations of police violence.

Relying on Article 6 (right to a fair hearing), he alleges a breach of his right of access to a court on account of the dismissal, as inadmissible, of an appeal lodged by him on 6 July 2016.

[M.S. v. Italy \(no. 32715/19\)](#)

The applicant, M.S., is an Italian national who was born in 1962. She is a lawyer by profession and lives in Tito (Italy).

The case concerns the domestic violence to which the applicant was subjected by her husband. The applicant complains, in particular, that the respondent State failed to protect and assist her. She also alleges that the authorities did not act with the requisite diligence and promptness, as the prosecution of several offences became time-barred.

Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and 13 (right to an effective remedy), the applicant alleges that the Italian authorities, despite being alerted on several occasions to her husband's violent behaviour, did not take the necessary and appropriate steps to protect her against a real and known danger and did not prevent further domestic violence from occurring. She points out that several sets of proceedings became time-barred on account of their length and that some are still pending. In the applicant's view, the authorities have thus failed to comply with their positive obligations under the Convention.

[Chocholáč v. Slovakia \(no. 81292/17\)](#)

The applicant, Roman Chocholáč, is a Slovak national who was born in 1989. He is serving a life sentence in Leopoldov Prison (Slovakia) for murder.

The case concerns the ban on prison inmates' possessing pornographic material. In 2013 some pornographic images were seized from Mr Chocholáč. He was found guilty of a disciplinary offence. In the final domestic judgment in the case, the Constitutional Court held, among other things, that the relevant law was absolute on the matter, that prison involved isolation from the opposite sex, and that pornography could prompt sexual and violent offences. The law left no room for balancing the ban on such material against the individual's right to receive information.

He relies on Article 8 (right to respect for private life) and Article 10 (freedom of expression).

[Ferhatović v. Slovenia \(no. 64725/19\)](#)

The applicant, Sebastjan Ferhatović, is a Slovenian national who was born in 1984 and lives in Ljubljana.

The case concerns the seizure of three large bags of copper wire from the applicant – then a defendant in criminal proceedings – and their handover to Company E., from which the wire had allegedly been stolen. The wire, at a value of 23,000 euros, had allegedly been stolen from the company. Charges were lodged against the applicant for the alleged crime in 2010 and dropped in 2012.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicant complains about the handover of the wire.

[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 5 July 2022

| Name | Main application number |
|------------------------------|-------------------------|
| Genchev v. Bulgaria | 57868/16 |
| Agrokualita Eood v. Romania | 18669/19 |
| Paulescu v. Romania | 21700/15 |
| Stănescu v. Romania | 3861/16 |
| Vlad v. Romania | 1020/20 |
| Ivanov and Others v. Russia | 50942/08 |
| Kursish and Others v. Russia | 62003/08 |
| N.M. v. Russia | 22706/20 |
| S.D. and Y.M. v. Russia | 8103/18 |

Thursday 7 July 2022

| Name | Main application number |
|---|-------------------------|
| Qosja v. Albania | 17475/13 |
| Meeus and Viola v. Belgium | 25782/15 |
| Medak and Others v. Bosnia and Herzegovina | 45689/21 |
| Brkljač v. Croatia | 6721/16 |
| Dolić and Hasani v. Croatia | 10647/17 |
| Huber v. Croatia | 39571/16 |
| Štitić v. Croatia | 18869/22 |
| Vokáč v. the Czech Republic | 79225/16 |
| Snaīnter Anonymi Emporiki Etairia Paichnidion v. Greece | 52503/14 |
| Syrras v. Greece | 3068/14 |
| Fekete and Others v. Hungary | 44057/20 |
| Haouari v. Hungary | 29440/16 |
| Mata v. Hungary | 7329/16 |
| Garbin v. Italy | 43689/13 |
| S.A. and Others v. Italy | 76878/17 |
| Kout v. Luxembourg | 22677/21 |
| Golubović v. Montenegro | 22054/21 |
| Suciu v. the Netherlands | 27014/20 |
| Stevens v. Norway | 42259/20 |
| Wakileh v. Norway | 36684/21 |
| Belz and Others v. Poland | 164/19 |
| Furman v. Poland | 45909/17 |
| Kilias v. Poland | 28745/21 |
| Kucewicz v. Poland | 12113/19 |
| Radomski and Others v. Poland | 32479/19 |
| Mihăilescu v. Romania | 45735/16 |
| Șuta v. Romania | 41836/19 |
| Velcu and Others v. Romania | 63313/16 |
| Chernousov and Others v. Russia | 79688/16 |
| Gidatov v. Russia | 17365/19 |

| Name | Main application number |
|----------------------------------|-------------------------|
| Kozlov v. Russia | 53267/18 |
| Mironovskiy and Others v. Russia | 38503/18 |
| Parshin v. Russia | 33595/18 |
| Seltsov and Chizhov v. Russia | 24334/07 |
| Stepanishchev v. Russia | 22911/18 |
| Tazbiyev v. Russia | 30546/18 |
| Tokarenko v. Russia | 30472/18 |
| Vislobokov and Gordon v. Russia | 31578/10 |
| Yepikhin v. Russia | 29389/19 |
| Yeruslanov v. Russia | 69591/17 |
| Zverev and Others v. Russia | 26363/18 |
| Juriš v. Slovakia | 57315/21 |
| Mravcová and Others v. Slovakia | 57667/21 |
| Avut v. Türkiye | 6720/18 |
| Güllü v. Türkiye | 65346/17 |

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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.