



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 13 judgments on Tuesday 5 September 2023 and 32 judgments and / or decisions on Thursday 7 September 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 5 September 2023

[Van den Kerkhof v. Belgium \(application no. 13630/19\)](#)

The applicant, Tom Van den Kerkhof, is a Belgian national who was born in 1977 and lives in Oud-Turnhout (Belgium).

The case concerns the length of civil proceedings pending before a court of the Brussels judicial district. More specifically, the applicant complains of the length of the civil proceedings – which have been ongoing since 2015 – taken by him against the vendors of a flat and the real estate agency that acted as an intermediary for the sale.

Relying on Article 6 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights, the applicant complains of the excessive length of those proceedings.

[Koilova and Babulkova v. Bulgaria \(no. 40209/20\)](#)

The applicants, Darina Koilova and Lilia Babulkova, are Bulgarian nationals who were born in 1986. They were married in 2016 in the United Kingdom, where they had been living since 2009. They currently live in Sofia (Bulgaria).

The case concerns a same-sex couple who complain that their marriage abroad is not recognised by the Bulgarian authorities.

In particular, the applicants rely on Article 8 (right to respect for private and family life) of the European Convention to complain of the Bulgarian authorities' refusal to indicate Ms Koilova's marital status as "married" on the relevant civil record. They allege that they are deprived of the legal protection to which they consider themselves entitled as a same-sex married couple.

Relying on Article 14 (prohibition of discrimination) in conjunction with Article 8 and Article 12 (right to marry) of the Convention, they allege that the impossibility of obtaining any form of legal recognition of their couple and of the marriage they contracted abroad constitutes discrimination on the ground of sexual orientation.

[Hanževački v. Croatia \(no. 49439/21\)](#)

The applicant, Kristijan Hanževački, is a Croatian national who was born in 1983 and lives in Kućan Marof (Croatia).

The case concerns the applicant's complaint about inadequate conditions of detention in Varaždin, Zagreb, Lepoglava and Bjelovar prisons between 2008 and 2013. He unsuccessfully brought civil proceedings for damages against the State following the end of his imprisonment, and ultimately his constitutional complaint in this connection was declared inadmissible in 2021.

Relying on Article 6 § 1 (right of access to court), he alleges a lack of effective access to the Constitutional Court because of a retroactive application of the admissibility criteria in his case. Also relying on Article 3 (prohibition of inhuman or degrading treatment), he alleges that the conditions of his detention had been inhuman and degrading, in particular on account of overcrowding, appalling hygiene and poor food.

[Al-Masudi v. Denmark \(no. 35740/21\)](#)

[Goma v. Denmark \(no. 18646/22\)](#)

[Noorzae v. Denmark \(no. 44810/20\)](#)

[Sharifi v. Denmark \(no. 31434/21\)](#)

All four cases concern an order for the expulsion of a settled migrant, issued in criminal proceedings.

The applicant in the first case, Mohamad Mustafa Hamid Al-Masudi, is an Iraqi national who was born in 1994 and lives in Nyborg (Denmark). The applicant in the second case, William Hakeem Goma, is a Congolese national who was born in 1999 and lives in Copenhagen. The applicants in the last two cases, Omid Noorzae and Amir Shah Sharifi, are Afghan nationals who were born respectively in 1995 and 1992; they both live in Copenhagen.

All four applicants arrived in Denmark at a very young age. They have criminal records in the country, with convictions for serious crimes including rape, robbery, repeated violence and drugs offences, and the authorities decided on various dates in 2020 and 2021 to expel them. The first two applicants were given a lifelong ban on returning, while the other two were given a 12-year ban.

Relying on Article 8 (right to respect for private and family life), the applicants all allege that the decisions against them did not balance the opposing interests at stake in their cases, failing in particular to take into account that they had very strong ties to Denmark and practically none with their countries of origin.

[Radio Broadcasting Company B92 AD v. Serbia \(no. 67369/16\)](#)

The applicant, Radio Broadcasting Company B92 AD, is a company based in Serbia which owns a television channel and an Internet portal.

The case concerns the company's complaint about civil proceedings brought against it by a former assistant health minister for its reporting in 2011 that she was suspected of abuse of office, amid an ongoing controversy over the procurement of swine flu vaccines.

The courts found that the company's TV broadcast and online article had damaged the assistant minister's reputation and ordered it to pay 1,750 euros (EUR) in respect of non-pecuniary damage and EUR 900 for costs. It was also ordered to remove the article in question from its Internet portal and to publish the judgment against it.

Relying on Article 10 (freedom of expression), the applicant company alleges that ordering it to pay compensation and costs was in breach of its right to impart information.

Thursday 7 September 2023

[Compaoré v. France \(no. 37726/21\)](#)

The applicant, Paul François Compaoré, is a Burkinabè national who was born in 1954 and lives in Paris. He is the brother of the former President of the Republic of Burkina Faso, Blaise Compaoré, and was one of his close advisers until he was forced to resign on 31 October 2014 as a result of a popular uprising.

The case concerns the French authorities' decision to extradite the applicant to Burkina Faso, where he faces criminal prosecution for "incitement to murder" an investigative journalist and the three men accompanying him.

The applicant submits that his extradition to Burkina Faso would expose him to a real risk of torture or of treatment contrary to Article 3 of the Convention.

[Gauvin-Fournis and Silliau v. France \(nos. 21424/16 and 45728/17\)](#)

The applicants, Audrey Gauvin-Fournis and Clément Silliau, are French nationals who were born in 1980 and 1989 respectively and live in Levallois-Perret and Beaune-la-Rolande.

The case concerns the inability, alleged by the applicants, who were born by means of medically assisted procreation (MAP) using a third-party donor, to access information concerning the donor.

Relying on Article 8 (right to respect for private and family life), the applicants submit that their inability to obtain information concerning their respective biological fathers constitutes an infringement of their right to respect for their private and family life. Relying on Article 14 (prohibition of discrimination) in conjunction with Article 8, they submit that, owing to the method through which they were conceived, they face discrimination in the exercise of their right to respect for their private life, by contrast with other children, since it is impossible for them to obtain non-identifying information concerning the third-party donor, including medical information.

[Melia v. Georgia \(no. 13668/21\)](#)

The applicant, Nikanor Melia, is a Georgian national who was born in 1979 and lives in Tbilisi. He is an opposition politician.

In June 2019 a criminal case was opened against Mr Melia, at the time a member of Parliament and one of the leaders of the United National Movement (a political party which ran the country between November 2003 and October 2012), for his alleged role in organising and participating in an attempted violent storming of the Parliament building. He was arrested but later released on bail, with an electronic monitoring bracelet.

The case concerns the decision ordering his pre-trial detention. In particular, on 1 November 2020 he gave a speech in front of the Parliament building contesting the outcome of the recent Parliamentary elections during which he took the electronic bracelet off and tossed it away, calling it a "symbol of injustice." The courts considered that his removing the bracelet had been in breach of his bail conditions and increased the amount of bail. The applicant refused to pay it. The trial court eventually ordered his remand. He was thus arrested but released in May 2021 when the European Union posted bail for him as a means to find a way out of the political standoff which had followed the 2020 elections and had allegedly been exacerbated by his arrest.

Relying on Article 5 (right to liberty and security) and Article 18 (limitation on use of restrictions on rights), Mr Melia alleges that the courts' decision ordering his pre-trial detention was unjustified and unnecessary for the purposes of the criminal proceedings against him and that it had the goal of keeping him out of political life.

[Okropiridze v. Georgia \(nos. 43627/16 and 71667/16\)](#)

The applicant, Giorgi Okropiridze, is a Georgian national who was born in 1989 and is serving a 20-year prison sentence in Tbilisi following his conviction of aggravated murder.

The case concerns the alleged unfairness of the criminal proceedings conducted against the applicant in 2014-15, against the background of two highly mediated trials.

The applicant complains in particular under Article 6 § 1 (right to a fair trial) that the jury in his case was not impartial, that his conviction was based on a jury verdict that did not contain any reasons

and that the appellate court's dismissal of his appeal on points of law was unsubstantiated. He also complains under Article 6 §§ 1 and 3 (d) (right to a fair trial/right to obtain attendance and examination of witnesses) about the admission in evidence of a video statement by an absent witness and a considerable body of hearsay evidence. Lastly, he complains that a series of statements by high-ranking public officials prior to and during his trials and video footage of his arrest published by the Ministry of the Interior breached his right to presumption of innocence under Article 6 § 2.

[Index.hu Zrt. v. Hungary \(no. 77940/17\)](#)

The applicant, Index.hu Informatikai Zrt., is a private company with its headquarters in Budapest. It is the owner of a major Internet news portal in Hungary, index.hu.

The case concerns the company's complaint about civil proceedings brought against it in 2015 by the then President of Hungary for publishing a story that he had spent a few days in prison during his compulsory military service for randomly firing his weapon while drunk. The story was published in the context of an online initiative to counterbalance a perceived smear campaign in the media against opposition activists. The courts found that the applicant company's story had been false and defamatory and ordered it to pay approximately 120 euros in damages.

Relying on Article 10 (freedom of expression), the applicant company complains about being ordered to pay compensation, arguing that its article concerned matters of public interest, in particular a media campaign and the country's President.

[A and Others v. Italy \(no. 17791/22\)](#)

The applicants, A, B and C, are Romanian and Italian nationals born in 1990, 2009 and 2011 respectively. The first applicant, A, is the father of the second and third applicants, B and C. The application on behalf of the second and third applicants was lodged by the special guardian *ad litem* appointed by the domestic courts to represent the children in the proceedings before them.

The application concerns an alleged violation of the applicants' right to respect for their family life on account of the alleged impossibility for A to exercise his right – as recognised by the domestic courts – to visit his children, B and C, and so to establish a relationship with them.

Relying on Article 8 (right to respect for private and family life), the applicants complain of an infringement of their right to respect for their family life arising from the authorities' failure to implement appropriate measures to enable them to establish a relationship, failure to enforce the domestic decisions with regard to the first applicant's (A's) visiting rights and several alleged shortcomings in the proceedings before the domestic courts.

[Bavčar v. Slovenia \(no. 17053/20\)](#)

The applicant, Igor Bavčar, is a Slovenian national who was born in 1955 and lives in Stari trg pri Ložu (Slovenia).

Mr Bavčar was found guilty of money laundering in 2016. The case concerns appeal proceedings during which the then Minister of Justice Goran Klemenčič gave a television interview, stating, among other things that "If the Bavčar case becomes time-barred ... I will do everything possible to make heads roll"

Relying on Article 6 §§ 1 and 2 (right to a fair trial/presumption of innocence) and Article 7 (no punishment without law), the applicant complains that the minister's statement during his trial breached his presumption of innocence and put pressure on the Slovenian courts. He also complains of his conviction for money laundering on the basis of indirect intent.

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 September 2023

Name	Main request number
Zöchling v. Austria	4222/18
Bozhilov and Others v. Bulgaria	56383/15
Hristova and Others v. Bulgaria	56681/15
Tonovi v. Bulgaria	21039/13
Czajkowski v. Romania	37024/20

Thursday 7 September 2023

Name	Main application number
Mittendorfer v. Austria	32467/22
Gurbanov v. Azerbaijan	10616/17
Namazov v. Azerbaijan	23036/19
Rashid v. Bulgaria	31239/11
Fagone and Scursuni Cantarella v. Italy	30747/07
Guiso Gallisai and Others v. Italy	22433/06
Maselli v. Italy	39828/07
Sannino v. Italy	37937/17
Blazheski v. North Macedonia	38692/16
Sypioła and Others v. Poland	783/16
Bibiriță and Marga v. Romania	55586/20
Ablyakimov and Others v. Russia	75530/17
Gorskiy and Others v. Russia	78796/17
Nikolenko and Others v. Russia	13679/18
Sanin and Others v. Russia	14227/18
Sharov and Others v. Russia	58533/18
Tarasov and Others v. Russia	15380/19
Yurgilevich and Others v. Russia	75231/17
Stevanović v. Serbia	4504/17
Jecko and Others v. Slovakia	31870/20
Kováčová and Others v. Slovakia	31975/19
Degtyar v. Ukraine	12486/12
Mitsopoulos v. Ukraine	62006/09
Safarov v. Ukraine	65239/14

Name	Main application number
Stativka v. Ukraine	64305/12

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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.