



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing nine judgments on Tuesday 6 February 2018 and 81 judgments and / or decisions on Thursday 8 February 2018.

*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](http://www.echr.coe.int))*

### Tuesday 6 February 2018

#### [Kristiana Ltd. v. Lithuania \(application no. 36184/13\)](#)

The applicant is a limited company based in Vilnius.

The case concerns the company's complaint that it has been prevented from using property which was earmarked for demolition, without compensation or a time-limit.

In 1999 the applicant company purchased former military buildings within a UNESCO heritage site (Curonian Spit National Park), the site being subject to specific laws and a development plan. In 2010 the company's own planning application was refused, and a subsequent government-approved Management Plan confirmed that the company's buildings should be demolished, without provision for time-scales or compensation. The company's complaints were dismissed by both tiers of the administrative court.

The applicant company relies on Article 1 of Protocol No.1 (right to peaceful enjoyment of possessions) to the European Convention on Human Rights, along with Article 6 § 1 (right to a fair and public hearing within a reasonable time) and Article 13 (right to an effective remedy) of the European Convention.

#### [Akimenkov and Others v. Russia \(nos. 2613/13 and 50041/14\)](#)

The case concerns the applicant's complaint that, following a political demonstration, there had been no good reason for his arrest or pre-trial detention, and that various aspects of his detention had amounted to degrading treatment.

The applicant, Vladimir Akimenkov, is a Russian national who was born in 1987 and lives in Moscow. On 6 May 2012 he attended a protest against allegedly rigged presidential elections. After a peaceful march, a meeting began at Bolotnaya Square, where clashes broke out between the demonstrators and the police. The following month the applicant was arrested and charged with taking part in acts of mass disorder and committing acts of violence against the police accompanied by violence. He requested bail but detention was repeatedly extended until December 2013 when he was finally released under the new Amnesty Act.

The applicant complains under Article 3 (prohibition of inhuman or degrading treatment), in particular about the alleged poor conditions in the various remand prisons, *en route* to court and at the court itself, and about a lack of medical assistance for a serious eye condition. He further complains under Article 5 (right to liberty and security) that there had been no good reason for his extended pre-trial detention, nor any reason to suspect that he had committed a criminal offence. Finally, he complains under Article 10 (right to freedom of expression), Article 11 (right to peaceful assembly), and Article 18 (limitation on use of restriction on rights).

## Just Satisfaction

**Oleksandr Volkov v. Ukraine (no. 21722/11)**

The case concerns the question of just satisfaction following a judgment of the European Court of Human Rights regarding the dismissal of a Supreme Court Judge, Oleksandr Volkov.

In its [principal judgment](#) of 9 January 2013 the Court held that there had been four violations of Article 6 (right to a fair trial) and a violation of Article 8 (right to respect for private and family life).

The Court held in particular: that the proceedings leading up to Mr Volkov's dismissal had not fulfilled the requirements of an "independent and impartial tribunal"; that the proceedings before the High Council of Justice, which initiated the inquiries leading up to his dismissal, had been unfair as there were no time-limits for such proceedings; that the vote in Parliament on his dismissal had been unlawful; and, that the chamber of the Higher Administrative Court, which reviewed the case, had not complied with the principle of a "tribunal established by law".

As to the award of just satisfaction, the Court held that Ukraine was to pay Mr Volkov 6,000 euros (EUR) in respect of non-pecuniary damage and EUR 12,000 for costs and expenses. It further held that the question of just satisfaction in so far as pecuniary damage was concerned was not ready for decision and reserved it for examination at a later date.

The Court will deal with this question in its judgment of 6 February 2017.

[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.

**Salihović v. Bosnia and Herzegovina** (no. 6056/14)

**Paul Popescu v. Romania** (no. 64162/10)

**S.C. Textinc S.A. v. Romania** (no. 52018/10)

**Butorin v. Russia** (no. 46637/09)

**Valdardt v. Russia** (no. 64031/16)

**Lada v. Ukraine** (no. 32392/07)

Thursday 8 February 2018

**[Smajić v. Bosnia and Herzegovina \(no. 48657/16\)](#)**

The applicant, Abedin Smajić, is a citizen of Bosnia and Herzegovina who was born in 1984 and lives in the Brčko District (Bosnia and Herzegovina). He is a lawyer.

The case concerns his conviction for making a number of posts in 2010 on an Internet forum describing military action which could be undertaken against Serb villages in the Brčko District region in the event of another war.

Following the posts, Mr Smajić was found guilty in 2012 of inciting national, racial and religious hatred, discord or intolerance and given a one-year, suspended prison sentence. The lower courts notably found certain expressions he had used highly insulting to members of an ethnic group, in particular "stinking Christmas", "get rid of the danger behind our backs", "the city centre should then be slowly cleansed" and "Serbs who come from different shitholes". The Constitutional Court ultimately endorsed this reasoning in 2016, rejecting Mr Smajić's appeal as manifestly ill-founded.

Mr Smajić makes two complaints under Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing). In the first, he complains that he was denied access to a lawyer after his

arrest and during his initial questioning in 2010. He says that his lawyer telephoned the police station where he was being held but was told that he was not there. In the second, he complains that the national courts arbitrarily applied the relevant domestic law. Lastly, he alleges that he was convicted for expressing his opinion on a matter of public concern, in breach of Article 10 (freedom of expression).

#### [Balta v. France \(no. 19462/12\)](#)

The applicant, Puiu Balta, is a Romanian national who was born in 1968.

The case concerns the decision by the Prefect of Seine-Saint-Denis to serve formal notice on the applicant and other caravan owners illegally parked in La Courneuve to leave the area.

Relying on Article 14 (prohibition of discrimination) read in conjunction with Article 2 of Protocol No. 4 (freedom of movement), the applicant complains of the system of eviction of “Travellers”.

#### [Ben Faiza v. France \(no. 31446/12\)](#)

The applicant, Mr Mohamed Ben Faiza, is a French national who was born in 1982. He was under court supervision at the time of consideration of his application.

The case concerns a judicial investigation into Mr Ben Faiza’s involvement in drug-trafficking offences. During the investigation the authorities installed a GPS device on Mr Ben Faiza’s vehicle in order to geolocate him in real time, and also sent a judicial request to a mobile telephone operating company for a list of cell towers activated by his telephone in order to detect his movements *ex post facto*.

Relying on Article 8 (right to respect for private and family life), Mr Ben Faiza alleges that both the installation of a geolocation device on his vehicle and the police request to the mobile telephone company, as authorised by the Public Prosecutor, infringed his right to respect for his private life.

#### [Charron and Merle-Montet v. France \(no. 22612/15\)](#)

The applicants, Ms Marie Charron and Ms Ewenne Merle-Montet, are French nationals who were born in 1982 and 1986 respectively and live in Montauban (France).

The case concerns a hospital’s refusal to grant Ms Charron and Ms Merle-Montet, who have been married since 3 May 2014, access to medically assisted reproduction via artificial insemination, which they wished to use in order to become parents.

Relying on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination), Ms Charron and Ms Merle-Montet complain that their request for medically assisted reproduction was rejected on the grounds that French law does not authorise such medical provision for homosexual couples. They complain of a violation of their right to respect for their private and family life and of discrimination on grounds of sexual orientation.

#### [Cacciato v. Italy \(no. 60633/16\)](#)

#### [Guiso and Others v. Italy \(no. 50821/06\)](#)

The applicants in the first case are Concetta Cacciato and Michele Cacciato, Italian nationals, who were born in 1945 and 1950 respectively and live in Canicattì (Sicily, Italy). The applicants in the second case are Paolo Guiso and Alessandro Guiso, Italian nationals who were born in 1962 and 1960 respectively and live in Nuoro, and Vincenza Consiglio, an Italian national who was born in 1929 and died in 2008.

The case concerns the applicants’ complaints about the compensation they received for expropriated land and about the 20% tax they had to pay on that compensation.

Both sets of applicants owned land which was taken by municipal authorities for building purposes. In the first case, the authorities took possession of the land in January 2000 and issued an expropriation order in January 2005. In the second case the land was occupied in 1991, an order was ultimately issued in October 1996 but was found in May 1999 to have been unlawful. The applicants in both cases brought proceedings to determine how much compensation they should receive for the expropriation.

The applicants in the first case were awarded compensation equal to the land's market value, plus statutory interest from the date of expropriation, and compensation for the period the land was unlawfully occupied. After an appeal against an initial court order, the applicants in the second case were also ultimately awarded the land's market value, adjusted for inflation and including statutory interest from the date they were deprived of their property. They also received an award for non-pecuniary damage for unlawful expropriation. Both sets of applicants received the sums awarded to them after a deduction of tax at 20%.

The applicants in both cases complain under Article 1 of Protocol No. 1 to the Convention (protection of property) about the 20% tax that was levied on their awards.

#### [Ramkovski v. 'the former Yugoslav Republic of Macedonia' \(no. 33566/11\)](#)

The applicants are Velija Ramkovski, born in 1947, and Emel Ramkovska, born in 1971. They are Macedonian nationals who are respectively a father and his daughter. They live in Skopje.

The case concerns the applicants' complaints about their pre-trial detention, which lasted over a year.

The applicants were arrested in December 2010. An investigating judge subsequently opened an investigation into 20 people, including the applicants, on suspicion of criminal conspiracy and tax evasion. In particular, it was alleged that the first applicant had created an organised group for the commission of various offences through a network of companies founded and owned by the suspects. Nineteen suspects, including Mr Ramkovski and Ms Ramkovska, were placed in pre-trial detention for 30 days. The applicants' detention order was extended several times, with their appeals being dismissed. They were convicted by the trial court in March 2012, a decision which was upheld on appeal in February 2013.

The applicants rely on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial), Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), and Article 6 § 2 (presumption of innocence).

[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.](#)

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**Talović v. Bosnia and Herzegovina** (no. 29849/16)

**Miščević v. Croatia** (no. 72174/13)

**Slava Jurišić v. Croatia** (no. 79584/12)

**Žirovnický v. the Czech Republic** (nos. 10092/13, 20708/13, 22455/13, 61245/13, 51482/13, 22520/14, and 13258/15)

**Goetschy v. France** (no. 63323/12)

**Gomez Mielgo v. France** (no. 78555/16)

**Moreno Martinez v. France** (no. 78285/16)

**Kyrkos and Others v. Greece** (no. 64058/14 and 33 other applications)

**Paraskevas and Charatsidis v. Greece** (nos. 31023/12 and 62672/13)

**Legeza and Others v. Hungary** (nos. 52969/14, 6248/15, 7833/15, and 9577/15)

**Nagy v. Hungary** (no. 40114/12)  
**Siklér v. Hungary** (no. 64890/14)  
**Zahe-Consult Kft v. Hungary** (no. 58777/12)  
**L.M. and Others v. Italy** (nos. 30290/15, 30324/15, 30346/15, 30355/15, 30448/15, 14824/16, and 50830/16)  
**M.K. v. Italy** (no. 31031/16)  
**Mazzocchin v. Italy** (no. 36413/14)  
**Panetti v. Italy** (no. 43967/06)  
**Gudauskas v. Lithuania** (no. 50387/13)  
**Medvedev v. Lithuania** (no. 43785/10)  
**Vyšniauskas v. Lithuania** (no. 43584/13)  
**Wampach v. Luxembourg** (nos. 3211/16 and 3215/16)  
**Galli v. Malta** (no. 20346/15)  
**Haddaouchi v. the Netherlands** (no. 4965/10)  
**Jędruch v. Poland** (no. 42249/15)  
**Skowroński v. Poland** (nos. 60521/09 and 6016/13)  
**Zamoyski and Others v. Poland** (no. 19912/13 and 23 other applications)  
**Gentil Berger v. Portugal** (no. 38835/12)  
**Bălăşescu and Others v. Romania** (nos. 694/14, 54933/14, 55038/14, 57680/14, 61238/14, 69606/14, 77203/14, 28494/15, 39336/15, 40849/15, 41425/15, 44934/15, 58314/15, 54444/16, 56479/16, 79671/16, and 79675/16)  
**Beşleagă and Others v. Romania** (nos. 35723/03, 35036/07, 2866/08, and 45096/09)  
**Botuşan and Others v. Romania** (nos. 65637/09, 8072/10, 53087/13, 25610/15, and 60259/15)  
**Çörtük v. Romania** (no. 75178/12)  
**Crăciun and Others v. Romania** (no. 60593/08)  
**Dobai and Others v. Romania** (nos. 52910/15, 53491/15, 61719/15, 19338/16, 23116/16, and 24899/16)  
**Gavriş and Others v. Romania** (nos. 3634/04, 6329/04, 26300/08, and 56557/10)  
**Lungu v. Romania** (no. 65556/13)  
**Mocanu v. Romania** (no. 52917/09)  
**Racoltea and Others v. Romania** (nos. 70116/13, 77833/14, 78594/14, 41101/15, 49885/15, 52028/15, 52162/15, 52225/15, 52388/15, 56194/15, 59433/15, 1281/16, 1742/16, 4225/16, 4416/16, 5599/16, 6674/16, and 6769/16)  
**Rădulescu and Others v. Romania** (nos. 12656/14, 25681/14, 49301/14, 76566/14, 78593/14, 509/15, 4434/15, 5694/15, 6359/15, 6517/15, 11299/15, and 11712/15)  
**Rusu and Vizitiu v. Romania** (nos. 56623/14 and 45429/15)  
**Urcan and Vuc v. Romania** (no. 70941/12)  
**Uţiu and Others v. Romania** (nos. 28351/12, 8729/15, and 12917/15)  
**Asafov and Others v. Russia** (nos. 79550/16, 1995/17, and 4711/17)  
**Baranov and Others v. Russia** (nos. 60993/16, 63314/16, 64049/16, 70695/16, 1014/17, 2704/17, and 4725/17)  
**Belykh and Others v. Russia** (nos. 74204/10, 40398/16, 43763/16, 45095/16, 50939/16, 54747/16, 61499/16, 4594/17, and 11565/17)  
**Bobrovskiy and Others v. Russia** (nos. 60085/10, 71550/10, and 56721/13)  
**Groshev and Others v. Russia** (nos. 65288/16, 27059/17, 27663/17, and 27686/17)  
**Ivanova v. Russia** (no. 12207/09)  
**Klemenkov and Others v. Russia** (nos. 56110/09, 20715/16, 54075/16, 58029/16, 63593/16, 73369/16, 79613/16, 79681/16, 3765/17, and 5269/17)  
**Kochneva and Others v. Russia** (nos. 60316/08, 11840/15, 19897/16, 53775/16, 56996/16, 67008/16, and 1194/17)  
**Kolesnikov and Others v. Russia** (nos. 35105/10, 70164/14, 44068/15, and 17534/16)

**Kovalenko and Others v. Russia** (nos. 63337/16, 64653/16, 67251/16, 77738/16, 1106/17, 1862/17, and 2745/17)  
**Maslov and Others v. Russia** (nos. 18414/14, 25724/14, 28443/14, and 42224/14)  
**Mitryukov v. Russia** (nos. 57927/16, 76910/16, and 8680/17)  
**Panov and Others v. Russia** (nos. 43475/09, 61148/09, 41056/10, 2430/11, 22965/11, 52289/15, and 53940/15)  
**Parygina and Bulin v. Russia** (nos. 8720/12 and 41785/13)  
**Poleshchuk and Others v. Russia** (nos. 2420/09, 61636/10, 40973/14, 36095/16, 47517/16, 49418/16, 50469/16, 56900/16, and 60289/16)  
**Puzrina and Others v. Russia** (nos. 5855/09, 46330/10, 70881/13, 6216/14, 53395/15, 33531/16, 34065/16, 42878/16, 50716/16, and 4175/16)  
**Rudov v. Russia** (no. 14191/06)  
**Rybalkin and Others v. Russia** (nos. 42666/04, 21247/05, 43703/07, 52123/08, 46638/10, and 45246/12)  
**Shalyev v. Russia** (no. 38304/13)  
**Sinelnikova and Others v. Russia** (nos. 41594/06, 52857/08, 39838/09, 9874/10, 47047/11, 22120/12, and 43683/12)  
**Smirnov and Others v. Russia** (nos. 5058/17, 8567/17, 10075/17, 10082/17, 10104/17, 10280/17, 20936/17, 26284/17, and 26571/17)  
**Stuchilov and Others v. Russia** (nos. 50932/16, 54522/16, 24303/17, and 26979/17)  
**Ulanov and Li v. Russia** (nos. 34104/08 and 51910/08)  
**Yakovlev and Others v. Russia** (nos. 4736/11, 52112/13, 3376/16, and 9005/16)  
**Yushin and Others v. Russia** (nos. 2403/06, 44360/07, 34128/09, 56597/12, 63752/12, 78214/13, 2844/14, and 40484/14)  
**Baruca v. San Marino** (no. 21108/16)  
**Junas and Others v. Slovakia** (nos. 44005/17, 44023/17, and 50372/17)  
**Györkös Žnidar v. Slovenia** (no. 776/14)  
**Nikolić v. Slovenia** (no. 16990/15)  
**Ivanov and Others v. Ukraine** (nos. 48759/06, 20960/08, 53425/11, 24954/12, 35621/13, 54335/13, 65401/13, 73537/13, 27839/14, 18073/15, and 21737/17)  
**Kolodyazhnyy v. Ukraine** (no. 78320/12)  
**Lavrenov v. Ukraine** (no. 51924/14)  
**Nordbø v. the United Kingdom** (no. 67122/14)

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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.