



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing three judgments on Tuesday 6 March 2018 and 38 judgments and / or decisions on Thursday 8 March 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 March 2018

#### [Royer v. Hungary \(application no. 9114/16\)](#)

The applicant, Patrick Royer, is a French national who was born in 1969 and lives in Gaillard (France).

The case concerns his complaint about the Hungarian authorities' refusal to order the return of his son to France. His son was taken by the mother, a Hungarian national, to Szombathely in Hungary in January 2014 when he was just a few months old.

Over the next few years a number of parallel proceedings ensued before the French and Hungarian courts. The French courts found that the child had been taken illegally from France, and, awarding the parents joint custody, granted the mother contact every other Saturday for two hours. However, the Hungarian courts ruled out enforcing the French court judgments, concluding that the return of the child, who was less than two years old, under the circumstances envisaged by the French judgments, would cause him serious psychological harm. In particular the Hungarian courts pointed out that it would not be in the child's best interests to take him away from Hungary where he was very well integrated to an unknown environment in France. Furthermore, given the father's work schedule, he would be looked after by his aunt, also unknown to him, whilst allowed very limited contact with his mother.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Royer alleges that, by refusing to order the return of his son to France, the Hungarian courts had confused what was in the child's best interests and what was in the mother's.

#### [Chumak v. Ukraine \(no. 44529/09\)](#)

The applicant, Sergiy Chumak, is a Ukrainian national who was born in 1968 and lives in Stryzhavka (Ukraine).

The case concerns the banning and dispersal of a protest outside an official building.

Mr Chumak arranged the protest outside the buildings of the regional authority of Vinnytsia in September 2006 in the form of a picket for an indefinite period. The action, organised by him on behalf of a youth association, was aimed at protesting about what the association called the unhealthy social and economic situation in the region.

Vinnytsia city council went to court for an order to end the picket, which had included the setting up of two small tents by the walls of the regional authority building. The District Court upheld the city council's action and ordered the tents to be taken down. It found in particular that protestors had obstructed the pavement and endangered road users, and that further breaches were possible given the indefinite nature of the protest. It also banned any further peaceful assemblies by the Association in the streets and squares of the town. The police later the same day dispersed the protestors.

The court's decision was upheld on appeal in November 2006. The appeal court found that a blanket ban on peaceful assemblies was not allowed under the Constitution and replaced the word "assembly" with "picket" in its judgment.

Relying on Article 11 (freedom of assembly and association), Mr Chumak complains of an artificial and disproportionate restriction on his right to freedom of assembly. He also complains under Article 13 (right to an effective remedy).

#### [Mikhaylova v. Ukraine \(no. 10644/08\)](#)

The applicant, Olena Mikhaylova, is a Ukrainian national who was born in 1957 and lives in Nova Kakhovka (Ukraine).

The case concerns her conviction of contempt of court.

Ms Mikhaylova, who is not a lawyer, was involved in litigation with the local municipal utilities company either as a party or as a representative. On 1 June 2007, at a preliminary hearing in a case concerning utilities arrears, she challenged the presiding judge's impartiality and told her, among other things, that "I know of no case where you have given a lawful decision" and "the law will mean absolutely nothing to you."

The presiding judge adjourned the hearing and, within the next hour, an administrative offence report was drawn up for contempt of court, the case was transmitted to another judge and a hearing was held. Having examined Ms Mikhaylova and the evidence in the report, the judge found her guilty as charged and sentenced her to five days' administrative detention, which she served immediately.

Ms Mikhaylova makes a number of complaints under Article 6 §§ 1 and 3 (b), and (c) and (d) (right to a fair trial). She complains in particular that there was no party for the prosecution at the hearing on her case, meaning that the judge who convicted her of contempt of court had to assume this role, thus undermining her impartiality. She further alleges that she was not given time to prepare her defence and that her right to legal assistance and to call and examine witnesses was not respected.

She also complains under Article 10 (freedom of expression) that sentencing her to detention was excessive and breached her freedom of expression. Lastly, relying on Article 2 of Protocol No. 7 (right of appeal in criminal matters), she complains that Ukrainian law did not provide for a right of appeal in administrative-offence proceedings.

Thursday 8 March 2018

#### [Dimitar Mitev v. Bulgaria \(no. 34779/09\)](#)

The applicant, Dimitar Mitev, is a Bulgarian national who was born in 1972 and is currently detained at Varna Prison (Bulgaria).

The case concerns his allegation that the criminal proceedings against him for murder were unfair.

In February 2008 Mr Mitev was convicted of a theft and the murder of his parents' 75-year-old neighbour. He was sentenced to life imprisonment. The trial court relied, among other things, on a confession he had made during his informal questioning with two police officers when he was arrested in June 2006. His conviction and sentence were then upheld on appeal and, ultimately, in a final judgment of November 2008 by the Supreme Court of Cassation.

Throughout the trial and subsequent proceedings, Mr Mitev denied the offences of which he stood accused and contested the testimony given by the two police officers, arguing that he had only confessed because the officers had beaten him. However, the courts allowed the officers' testimony, finding it credible and that it had been assessed in the light of other evidence.

Relying in substance on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing), Mr Mitev alleges that his conviction was based on a confession he had made to the police immediately after his arrest, under duress and without the assistance of a lawyer.

#### [Patalakh v. Germany \(no. 22692/15\)](#)

The applicant, Ivan Patalakh, is a Russian national who was born in 1961 and lives in Frankfurt am Main (Germany).

The case concerns his allegation that the domestic courts failed to carry out speedy reviews of his detention on remand.

Mr Patalakh was arrested in October 2013 on a series of charges, including large-scale fraud and bribery, and was placed in detention on remand. He began to challenge the lawfulness of the remand order from January 2014. In July 2014 the Court of Appeal prolonged the remand period, a decision which was followed in October of the same year by a request from the prosecution authorities for a further extension. Mr Patalakh then challenged the impartiality of the judges involved in the remand review, but his challenge was dismissed in January 2015. A decision extending his period of detention in remand was ultimately served on him in May 2015.

Mr Patalakh complains about the proceedings on the review of his detention on remand under Article 5 § 1 (right to liberty and security) and Article 5 § 4 (right to have lawfulness of detention decided speedily by a court).

[Just satisfaction](#)

#### [Kanaginis v. Greece \(no. 27662/09\)](#)

The applicant, Themistoklis Kanaginis, is a Greek national who lives in Athens.

The case concerned the reappropriation procedure for property expropriated by the State. The applicant complained about the sum which he was required to reimburse in order to recover possession of his property.

In its [principal judgment](#) of 27 October 2016 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention because the sum which the State required the applicant to reimburse in order to recover possession of the expropriated property was not reasonably proportionate to the sum which he had received in respect of compensation.

Lastly, it held that the question of the application of Article 41 (just satisfaction) was not ready for decision and reserved it for examination at a later date. The Court will rule on this question in its judgment of 8 March 2018.

#### [Pouliou v. Greece \(no. 39726/10\)](#)

The applicant, Elissavet Pouliou, is a Greek national who was born in 1969 and lives in Athens.

The case concerns the pre-trial detention of Mrs Pouliou, a lawyer, on the grounds that she was suspected of belonging to a criminal organisation involved in a number of crimes committed between 2008 and 2009. These included the abduction of a businessman, manslaughter and preparing to commit a murder. Mrs Pouliou was placed in pre-trial detention in July 2009 and released in January 2010.

Relying on Article 5 § 3 (right to liberty and security), Mrs Pouliou complains that she was detained arbitrarily because the investigating judge did not give reasons for his decision rejecting her request for release of 9 December 2009. Relying on Article 5 § 4 (right to have the lawfulness of detention decided speedily), she alleges that her requests for release were not examined quickly.

**R.Š. v. Latvia (no. 44154/14)**

The applicant, Mr R.Š., is a Latvian national who was born in 1983 and lives in Mārupe (Latvia).

The case concerns an airplane crash in which the applicant was seriously injured and his complaint about being unable to obtain compensation.

The accident happened in August 2008, when the applicant was travelling on a private plane with several other people. The plane crashed just before landing, with the pilot being killed and all the passengers seriously injured. The owner of the company which operated the aircraft was indicted for negligence in the performance of his professional duties and for violation of air traffic safety or operation regulations in May 2011. The first-instance court found against the owner, but he was acquitted by the appeal court, a decision that was upheld by the Supreme Court in December 2013. The domestic courts found that the owner was not liable for the accident, in particular because it had not been established what air traffic safety or operating regulations he had breached or what professional duties he had neglected.

The applicant also began compensation proceedings in 2010, but the domestic courts rejected his claim. Among other findings, they stated that the primary cause of the accident had been “human error” on the part of the pilot and that neither the company owning the aircraft, nor the owner of the company himself, could be held liable.

Relying in essence on Article 2 (right to life), the applicant complains about the fact that he was not able to receive any compensation for his injuries and argues that the State should bear responsibility for any shortcomings in the legal regulation of the safety of private flights.

**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.

**Karov v. Bulgaria** (no. 56777/11)

**Khaduri v. Georgia** (no. 52282/10)

**Khalilovi v. Georgia** (no. 26083/12)

**Khimshiashvili v. Georgia** (no. 43983/12)

**Tcholadze v. Georgia** (no. 35852/11)

**Tsiklauri v. Georgia** (no. 377/11)

**Urushadzebi v. Georgia** (no. 37395/09)

**Kántor and Others v. Hungary** (nos. 36243/13, 58234/13, 58891/13, 59100/13, 64345/13, 77071/13, and 80984/13)

**Klebercz and Others v. Hungary** (nos. 4958/14, 29268/14, 30677/14, 42597/14, 55151/16, 43802/17, 50937/17, 50939/17, and 50989/17)

**Gibronas and Others v. Lithuania** (nos. 56836/14, 29072/15, 31394/15, 58765/15, 61704/15, 423/16, 4624/16, 5921/16, 6833/16, 14938/16, 18362/16, 20917/16, 21615/16, 21620/16, and 49439/16)

**Andreica and Others v. Romania** (nos. 63178/14, 9798/15, 42933/15, 12346/16, 13805/16, 16201/16, 35150/16, 36725/16, 37574/16, 42126/16, 43705/16, 43706/16, 44352/16, 48747/16, 57027/16, and 689/17)

**Anghel and Others v. Romania** (nos. 7823/04, 20670/04, 34051/05, 9280/06, 13037/06, 26940/07, 29395/07, 41659/08, 56179/08, 5455/09, 7797/09, 9311/09, 13432/09, 15066/09, 18963/09, 48239/09, 54591/09, 16513/10, 19534/10, and 30794/10)

**Chiriac and Others v. Romania** (no. 59097/13 and 23 other applications)

**Iliáš and Others v. Romania** (no. 7219/14 and 26 other applications)

**Micu and Others v. Romania** (nos. 18333/14, 20214/14, 26651/14, 54470/14, 24066/15, 13768/15, 18179/15, 44632/15, 47362/15, 47686/15, 48709/15, 53023/15, 56891/15, 57652/15, and 59522/15)

**Pecheanu v. Romania** (no. 7755/16)

**Pîrvu and Others v. Romania** (nos. 54294/14, 63775/16, 18742/15, 31741/15, 33494/15, 54522/15, 55523/15, 61662/15, 62535/15, 170/16, 269/16, 506/16, 4255/16, 4959/16, 7524/16, 10346/16, 13020/16, 13060/16, 20443/16, 28913/16, 39024/16, 49640/16, 52746/16, and 62856/16)

**Răducanu v. Romania** (no. 23085/16)

**Selin v. Romania** (no. 15623/16)

**Talpoş and Others v. Romania** (nos. 76759/14, 6707/15, 15885/15, 47202/15, 49999/15, 1019/16, 7517/16, 8152/16, 9375/16, 9861/16, 12532/16, 14068/16, 16971/16, 19063/16, 25967/16, 31330/16, 31345/16, 31380/16, 31895/16, 38030/16, and 38453/16)

**Tudorache and Others v. Romania** (nos. 623/11, 58884/11, 1780/12, 52299/12, and 66905/12)

**Dandayev and Others v. Russia** (nos. 51876/13, 70080/14, 16992/16, 35569/16, 44020/16, and 3803/17)

**Khlystov and Others v. Russia** (nos. 19061/12, 45497/12, 72725/12, 9614/14, 6238/17, and 11256/17)

**Ponomarev and Grib v. Russia** (nos. 17781/10 and 42283/11)

**Razin v. Russia** (no. 57496/16)

**Selivanov v. Russia** (no. 14821/16)

**Skripnikov v. Russia** (no. 7591/12)

**Zalizko v. Russia** (no. 26503/07)

**Artemyshyn v. Ukraine** (no. 71073/16)

**Bezvulyak and Others v. Ukraine** (nos. 12795/14, 15308/14, and 33598/17)

**Morozov and Others v. Ukraine** (nos. 2318/07, 44063/08, 65272/12, and 41125/14)

**Shadymov v. Ukraine** (no. 66156/09)

**Tovmasyan v. Ukraine** (no. 58665/13)

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

#### Press contacts

[echrpress@echr.coe.int](mailto:echrpress@echr.coe.int) | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

**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.