



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing six judgments on Tuesday 6 June 2023 and 79 judgments and / or decisions on Thursday 8 June 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 6 June 2023

[Pitsiladi and Vasilellis v. Greece \(applications nos. 5049/14 and 5122/14\)](#)

The applicants, Georgia Pitsiladi and Efstratios Vasilellis, are Greek nationals who were born in 1978 and 1963 respectively and live in Lesbos.

The case concerns the inability of the applicants to access a bank account containing the funds raised to pay for their son's hospital treatment in the United States. Their son eventually died.

Relying on Article 2 (right to life) of the European Convention on Human Rights, the applicants complain about their inability to access the bank account in question and to transfer the money to the hospital in the United States so that their son could receive treatment. They allege that this situation resulted in his death.

Just Satisfaction

[Vod Baur Impex S.R.L. v. Romania \(no. 17060/15\)](#)

The applicant, Vod Baur Impex S.R.L., is a Romanian company based in Bucharest. In 2006 the applicant company bought from the City of Bucharest commercial premises which included the ground floor and the basement of a multi-storey building. Following civil proceedings brought by the association of landlords, representing the owners of the private apartments in the building, the courts annulled the contract of sale in respect of the basement, finding that it had always belonged to the association of landlords, not the City of Bucharest.

The judgment will concern the procedure relating to the parties' observations on just satisfaction following the Court's judgment of [26 April 2022](#) in the applicant company's favour, finding a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention as regards the proceedings brought by the applicant company against the City of Bucharest for compensation.

[Navalnyy v. Russia \(no. 3\) \(no. 36418/20\)](#)

The applicant, Aleksey Anatolyevich Navalnyy, is a Russian national who was born in 1976 and is currently detained in high-security correctional facility IK-6 in Melekhovo, Vladimir Region (Russia). He is a political activist.

The case concerns the refusal of the Russian authorities to open criminal proceedings into the applicant's alleged poisoning with a chemical nerve agent from the Novichok group in August 2020 which led to him falling into a coma and being put on life support. Forensic examinations carried out in Russia concluded that no potent or poisonous substances, narcotic substances, psychotropic substances or their precursors had been found on him or on the objects submitted for analysis. After he was flown to Germany, the German government announced that the results of the tests carried

out on the applicant's samples had revealed unequivocal proof of the presence of a chemical nerve agent from the Novichok group of substances prohibited under the Chemical Weapons Convention.

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy) of the Convention, the applicant complains about the Russian authorities' refusal to institute criminal proceedings and their failure to conduct an effective investigation.

[Demirtaş and Yüksekdağ Şenoğlu v. Türkiye \(nos. 10207/21 and 10209/21\)](#)

The applicants, Selahattin Demirtaş and Figen Yüksekdağ Şenoğlu, are Turkish nationals who were born in 1973 and 1971 respectively. At the relevant time they were co-chairs of the Peoples' Democratic Party (HDP), a left-wing pro-Kurdish political party. In 2015 they were re-elected as members of the Turkish Grand National Assembly for the HDP.

In this case the applicants – who are currently detained in prison in Edirne and Kocaeli respectively – allege that they did not have effective legal assistance in order to appeal against their detention. They complain in particular of the prison authorities' surveillance of their meetings with their lawyers and of the seizure of the documents they exchanged with them. The measures in question were applied by the Turkish authorities under Emergency Legislative Decree No. 676, which was enacted following the attempted military coup of 15 July 2016.

The applicants rely on Article 5 § 4 of the Convention (right to a speedy review of the lawfulness of detention).

[Kazan v. Türkiye \(no. 58262/10\)](#)

The applicant, Şerife Kazan, is a Turkish national who was born in 1975 and lives in Ankara.

The case concerns a civil court decision following a claim for reimbursement lodged by the Ministry of the Interior, ordering the applicant jointly and severally with forty-five other individuals to reimburse the State for the compensation paid in respect of medical expenses to a number of police officers injured during a demonstration, in spite of the applicant's acquittal in the criminal proceedings.

Relying on Article 11 (freedom of assembly and association), the applicant complains of being ordered by the civil courts – despite having been acquitted of the charges against her in the criminal proceedings – to reimburse the sums paid by the Ministry of the Interior in compensation for medical expenses to the police officers injured during the dispersal of a demonstration outside the courthouse, where the applicant had gone to attend a hearing as the relative of a prisoner and where she had expressed her views. Under Article 10 (freedom of expression), she alleges a breach of her right to freedom of expression. Relying on Article 6 § 1 (right to a fair hearing), she complains of a lack of reasons for the civil courts' decisions and maintains that the finding that she was liable for the physical injuries sustained by the police officers lacked any justification.

[Sarısu Pehlivan v. Türkiye \(no. 63029/19\)](#)

The applicant, Ayşe Sarısu Pehlivan, is a Turkish national who was born in 1967 and lives in İzmir (Türkiye).

The case concerns a disciplinary sanction imposed by the Council of Judges and Prosecutors on the applicant, a judge who at the relevant time was secretary-general of the judges' trade union, following the publication on 20 February 2017 of an interview she had given to a national daily newspaper concerning the amendments to the Constitution.

The applicant alleges a violation of Article 10 (freedom of expression) of the Convention.

Thursday 8 June 2023

[P.N. v. the Czech Republic \(no. 44684/14\)](#)

The applicant, P.N., is a Czech national who was born in 1972 and lives in Prague.

The case concerns the applicant's right to respect for his family life. His ex-wife took their children to the United States and the applicant did not initiate proceedings for the children's return under the 1980 Convention on the Civil Aspects of International Child Abduction (the Hague Convention). The applicant's ex-wife subsequently obtained a judicial decision replacing his consent to the children's removal.

Relying on Article 6 (right to a fair hearing) and Article 8 (right to respect for family life), the applicant alleges, in particular, that the courts failed to protect his interests and the children's best interests and that he was prevented from exercising his contact rights. He complains of the decisions taken in the proceedings concerning the case, which in his view legalised the wrongful removal of his children by their mother without the courts having duly established the facts or heard the children.

[A and B v. France \(no. 12482/21\)](#)

The applicants, A and B, a mother and her child, were born in 1964 and 2013 respectively and live in Nice.

The case concerns the annulment of a declaration of paternity, at the request of the person who made the declaration, in respect of a child conceived in Spain through assisted reproductive technology with anonymous donation of gametes (ova and sperm).

A (the first applicant) married C on 8 September 2012. The couple separated on 29 March 2013 and filed for divorce by mutual consent on 3 May 2013. On 10 November 2013 A gave birth to B (the second applicant) following an embryo implantation carried out in Spain on 12 May 2013. C recognised B as his child on 12 November 2013.

On 20 January 2015 C instituted proceedings in the Nice *tribunal de grande instance* to contest paternity, arguing in particular that B had been conceived after he and A had separated, through assisted reproductive technology involving a third-party donor, to which he had not consented. His action was dismissed by the court but was subsequently allowed by the Aix-en-Provence Court of Appeal on 4 December 2018.

Relying on Article 8 (right to respect for private and family life), the applicants complain about the annulment of C's declaration of paternity in respect of B.

[Ferrara and Others v. Italy \(no. 2394/22 and 18 other applications\)](#)

The applicants, Alessandro Ferrara, Ferdinando Emilio Abbate and Sara Di Molfetta are three Italian nationals who were born in 1973, 1961 and 1978 respectively. Mr Ferrara and Ms Di Molfetta live in Rome, and Mr Abbate lives in Orte (Italy). They are lawyers who were acting in this case as *avvocati antistatari* (lawyers who covered legal and other court fees for their clients and were directly awarded repayment by the courts).

The case concerns the failure of the State authorities to pay legal fees awarded to the applicants by "assignment orders" (*ordinanze di assegnazione*) – enforcement orders aimed at implementing decrees or judgments issued under Law no. 89 of 2001 ("the Pinto Act").

Relying on Article 6 (right to a fair hearing) of the Convention and Article 1 of Protocol No. 1 (protection of property), the applicants complain of the non-enforcement of those assignment orders.

[Urgesi and Others v. Italy \(no. 46530/09\)](#)

The applicants, Roberto Urgesi, Vincenzo Albano, Giuseppe Florio, Lucia Boccuni, Assunta Esposito, Maria Fanelli, Ciro Florio and Filomena Spinelli, are eight Italian nationals who were born between 1943 and 1967 and live in Taranto.

The case concerns the public character of the hearings held in proceedings for the application of preventive measures, and the impartiality of the court of appeal which ruled in the case.

In July 2000 the Taranto District Court convicted some of the applicants (Mr Urgesi, Mr Albano and Mr G. Florio) in the “Cahors” case concerning the activities of a criminal organisation operating in Puglia. The applicants in question were charged with usury, and also with criminal conspiracy (Mr Urgesi) and membership of a mafia-type organisation and extortion (Mr Albano and Mr G. Florio).

Relying on Article 6 § 1 (right of access to an independent and impartial tribunal), the applicants complain that the court of appeal which ruled on the application of the preventive measures was not impartial owing to the presence on the bench of a judge who had previously, as a prosecutor, expressed an opinion on the criminal responsibility of some of the applicants in the criminal trial in the “Cahors” case.

[A.M. and Others v. Poland \(nos. 4188/21, 4957/21, 5014/21, 5523/21, 5876/21, 6114/21, 6217/21, and 8857/21\)](#)

The applicants are eight Polish nationals who were born between 1980 and 1993.

The cases concern abortion rights in Poland following amendments to the legislative framework in 2020, which the applicants allege effectively banned access to legal abortion in the case of foetal abnormalities.

Relying on Article 8 (effectively right to respect for private and family life), the applicants complain that, as women of child-bearing age, they are potential victims of a violation of their rights as the amendments to the law now force them to carry pregnancies to term even when the foetus is malformed. They also complain that the restrictions introduced were not “prescribed by law” as the Constitutional Court – which had introduced the amendments to the relevant legislation – was not correctly composed and was not impartial.

Also relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants complain of the distress caused by the prospect of their being forced to give birth to an ill or dead child.

[Alonso Saura v. Spain \(no. 18326/19\)](#)

The applicant, María Pilar Alonso Saura, is a Spanish national who was born in 1952 and lives in Murcia (Spain).

The case concerns a public competition launched by the General Council of the Judiciary in October 2014 for the appointment of the President of the Murcia High Court of Justice for a five-year term. Ms Alonso Saura was one of three applicants.

Relying on Article 6 § 1 (right to a fair hearing), Article 14 (prohibition of discrimination) of the Convention, and Article 1 of Protocol No. 12 (general prohibition of discrimination), the applicant alleges that the domestic authorities did not give adequate reasons for choosing another candidate for the post and that their decisions were arbitrary and discriminated against her on the basis of her gender.

[Fragoso Dacosta v. Spain \(no. 27926/21\)](#)

The applicant, Pablo Frago Dacosta, is a Spanish national who was born in 1986 and lives in Vedra (Spain).

The case concerns the applicant's criminal conviction (a fine of 1,260 euros), for having insulted the Spanish flag while protesting – as a trade union representative –, over unpaid wages of the cleaners of the Ferrol Military Arsenal building, a military base under the responsibility of the Ministry of Defence. From October 2014-March 2015, the employees, together with some trade-union representatives, held daily protests in front of the arsenal, shouting slogans, whistling and generally being noisy. Those protests coincided with the solemn daily raising of the national flag in the presence of the military.

The applicant complains that the criminal sanction imposed on him violated his right to freedom of expression under Article 10 of the Convention.

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.

Thursday 8 June 2023

Name	Main application number
Kote v. Albania	40730/11
Nallbati and Others v. Albania	25874/07
Jaiteh v. Austria	35249/22
Adil Ismayilov Ve Partnyorlari v. Azerbaijan	60090/15
Aliyev and Others v. Azerbaijan	19508/14
Garayev and Others v. Azerbaijan	13382/18
Gasimov v. Azerbaijan	82478/17
Hajibeyli v. Azerbaijan	54792/16
Ismayilov v. Azerbaijan	47762/22
Mammadov and Others v. Azerbaijan	787/19
Mammadov v. Azerbaijan	13058/10
Nabiyev and Others v. Azerbaijan	9362/17
Sadigov and Others v. Azerbaijan	37901/18
Bozoglu v. Belgium	16268/16
Cuyvers and Others v. Belgium	19813/14
Decherf and Others v. Belgium	73573/13
Brulić v. Bosnia and Herzegovina	702/22
Ahmedov v. Bulgaria	40631/20
Markova and Others v. Bulgaria	31163/18
Mitt v. Estonia	13329/21
Béres and Others v. Hungary	44684/22
Csonka and Others v. Hungary	33681/21
Grób and Others v. Hungary	20005/22
Jakubinyi and Others v. Hungary	31142/22
Lengyel and Others v. Hungary	43302/21
Lovestyán and Others v. Hungary	43782/21
Szabó and Others v. Hungary	26965/21
Szabó v. Hungary	35099/22

Name	Main application number
Tóth and Others v. Hungary	34809/22
Zaja and Others v. Hungary	57139/22
Zuhatagi-Fésű and Others v. Hungary	38921/21
Acanfora and Others v. Italy	58976/17
Capece Minutolo Del Sasso and Others v. Italy	39312/04
Consorzio stabile Europeo Multiservice v. Italy	12014/21
Liuzzi and Others v. Italy	10399/22
Oliva and Others v. Italy	23658/22
Pasquariello and Others v. Italy	21143/22
Robledo v. Italy	75587/17
Stasi v. Italy	31881/22
Belîi v. the Republic of Moldova	56290/18
Messaoudi v. the Netherlands	31212/20
Mazowiecki v. Poland	34734/13
Zięba v. Poland	54110/18
Ciocoi and Others v. Romania	38005/16
Îdikurt v. Romania	35928/16
Lăcătuș and Others v. Romania	19025/16
Nistor-Martin and Others v. Romania	29908/20
Raicea and Truță v. Romania	45711/20
Sfântu Gheorghe Reformed Parish I v. Romania	57099/19
Toma and Others v. Romania	81290/17
Vasile v. Romania	33213/15
Milkova and Others v. Russia	3316/19
Pukhov and Others v. Russia	59975/13
Safronov and Others v. Russia	55881/17
Barulli and Salvatori v. San Marino	43390/22
Blagojević v. Serbia	19829/22
Đorđević and Others v. Serbia	33235/22
Đorđević v. Serbia	47610/16
Đuričić and Others v. Serbia	19900/22
Goksu v. Serbia	6070/16
Radulović v. Serbia	38285/21
Gajdoš v. Slovakia	50531/22
Šoošová v. Slovakia	51310/22
Dunant v. Switzerland	20341/18
Vaccalluzzo v. Switzerland	74063/17
Aydın and Others v. Türkiye	23721/11
Gonta and Jildize v. Ukraine	52502/20
Gorpinchenko v. Ukraine	23454/21
Gulchuk and Others v. Ukraine	46053/21
Volyanska and Others v. Ukraine	32035/20
Vyetokha and Others v. Ukraine	14198/21

Name	Main application number
Field and Others v. the United Kingdom	34442/18

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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.