



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing seven judgments on Tuesday 7 February 2023 and 88 judgments and / or decisions on Thursday 9 February 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 7 February 2023

[Jacquinet and Embarek Ben Mohamed v. Belgium \(application no. 61860/15\)](#)

The applicants, Eric Jacquinet and Lorenzo Embarek Ben Mohamed, were born in 1975 and 2005 respectively. The first applicant is a Belgian national and the second a French national. They are father and son and live in France.

The case concerns the refusal by the Belgian authorities to replace the surname of the two applicants by that of the first applicant's mother.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicants complain about the authorities' refusal to change their surname.

[Miladinova v. Bulgaria \(no. 31604/17\)](#)

The applicant, Lilia Miladinova, is a Russian national who was born in 1958 and lives in Bulgaria. She is a nurse by profession.

The case concerns civil proceedings for damages brought by Ms Miladinova against investigative bodies, seeking compensation for damage sustained by her as a result of criminal charges against her.

In 2012, while working in a home for elderly people with physical disabilities, Ms Miladinova was placed under investigation for theft of property belonging to the home and worth approximately 274 euros (EUR). On three occasions, the prosecutor's office ordered the closure of the criminal proceedings in 2012, 2013 and 2014 respectively. In 2015 the prosecutor ordered the reopening of the criminal proceedings and drew up an indictment against the applicant, estimating the total value of the stolen items at approximately EUR 46. The applicant was acquitted in 2016.

In the meantime, in August 2014, in consideration of the fact that the criminal proceedings against her had been discontinued, Ms Miladinova brought a civil action for damages, which was dismissed in July 2015 as, according to practice, compensation was not possible while the criminal proceedings were still pending.

Relying on Article 6 (right to a fair hearing) of the European Convention, Ms Miladinova complains of a breach of her right of access to a court.

[B v. Russia \(no. 36328/20\)](#)

The applicant, B, is a Russian national who was born in 2007 and lives in Kazan (Russia).

At the age of 12, B revealed that she had been subjected to sexual abuse between the ages of 7-10. The case concerns the ensuing investigation and trial in the criminal proceedings against the alleged perpetrators of the abuse.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention, the applicant complains that she was subjected to secondary victimisation in the course of those criminal proceedings. She alleges in particular that scant regard was had to her particular vulnerability as a child victim of sexual abuse, which caused her excessive additional trauma and suffering.

[Paun Jovanović v. Serbia \(no. 41394/15\)](#)

The applicant, Paun Jovanović, is a Serbian national who was born in 1957 and lives in Bor (Serbia).

The case concerns the official use of two standard variants of the Serbian language, Ekavian and Ijekavian, in judicial proceedings. The applicant, a practising lawyer, alleges that he was denied the opportunity to speak Ijekavian by an investigating judge while defending his client in the course of criminal proceedings, whereas the lawyer representing the victim was permitted to use the Ekavian variant.

Relying on Article 14 (prohibition of discrimination) and Article 1 of Protocol No. 12 (general prohibition of discrimination), the applicant complains that as a practising lawyer and an Ijekavian speaker of the Serbian language, he had suffered discrimination due to the way in which he had been treated compared to an Ekavian-speaking lawyer, while they were both acting on behalf of their respective clients and in the course of the same criminal case. Moreover, relying on Article 6 (right to a fair hearing), he complains that a decision delivered by the Constitutional Court in the case was not properly reasoned.

[M.B. and Others v. Slovakia \(no. 2\) \(no. 63962/19\)](#)

The applicants are six Slovak nationals who were born between 1992 and 1998. They are ethnic Roma.

In 2009 the applicants were arrested on suspicion of having mugged a 66-year-old woman in Košice. They were taken to a police station. According to the applicants, while there they were threatened with and bitten by dogs, kicked, beaten and verbally abused. These allegations have been denied by the Government. A recording made with a mobile device was subsequently released in the public domain, purporting to depict the treatment to which the applicants had been subjected, including being forced to slap and then kiss each other.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination), the applicants complain of police ill-treatment, of the State's failure to protect them, of a lack of an effective remedy for their complaints, that their ethnicity had been the primary reason for their ill-treatment and that in the ensuing investigation the authorities failed to take all reasonable steps to unmask the racist motive behind it.

[Duğan v. Türkiye \(no. 84543/17\)](#)

The applicant, Cemal Duğan, is a Turkish national who was born in 1980 and lives in Bursa (Türkiye). The applicant is a transgender person.

The case concerns the applicant's being taken to a police station for disrupting traffic and allegedly being detained there and fined because of her transgender identity.

Relying on Articles 5 (right to liberty and security) and 14 (prohibition of discrimination) of the Convention, the applicant maintains that the police officers could have accomplished the necessary official procedures at the scene of the incident.

[Elvan v. Türkiye \(n° 64937/19\)](#)

The case concerns the death of Berkin Elvan at the age of 15 following a wound sustained by a grenade launcher during the “Gezi events” (a series of demonstrations organised between May and September 2013 to protest against an urban development plan to build a shopping centre in place of Gezi Park, one of Istanbul’s green spaces).

The four applicants are the parents of Berkin Elvan (Sami and Gülsüm Elvan) and his sisters (Gamze and Özge Elvan), Turkish nationals born in 1969, 1972, 1996 and 1998 respectively. They live in Istanbul.

Relying on Article 2 (right to life), together with Articles 3 (prohibition of inhuman or degrading treatment), 10 (freedom of expression), 11 (freedom of assembly and association), 13 (right to an effective remedy) and 14 (prohibition of discrimination), the applicants complain of Berkin Elvan’s death and of the investigation into the circumstances of his death.

Thursday 9 February 2023

[C8 \(Canal 8\) v. France \(nos. 58951/18 and 1308/19\)](#)

The applicant company, C8 (Canal 8), a company incorporated under French law, is a television station based in Issy-les-Moulineaux.

Both applications concern penalties imposed on the television station C8 by the National Audiovisual Council (CSA) on account of footage that had been broadcast on the programme “*Touche pas à mon poste*”. The Court has decided to examine them jointly.

The programme in question, broadcast by C8, is an entertainment show on the subject of television and media news. It consists of discussions about the latest developments in television channels, together with games and humorous interludes. It has given rise to numerous controversies and to many complaints by viewers to the CSA.

The applicant company complains of a violation of Article 10 (freedom of expression).

[Ugulava v. Georgia \(no. 5432/15\)](#)

The applicant, Giorgi Ugulava, is a Georgian national who was born in 1975 and was detained in Tbilisi at the time of application. He was one of the leaders of the United National Movement (“the UNM”), a former governing political party, and was a former mayor of Tbilisi.

The case concerns the arrest of Mr Ugulava on 3 July 2014 and his pre-trial detention until 17 September 2015. He was wanted in connection with money laundering and other financial crimes.

Relying on Article 5 (right to liberty and security) and Article 18 (limitation on use of restrictions on rights), Mr Ugulava complains that his arrest and pre-trial detention were arbitrary, particularly as regards the manner in which his remand in custody was imposed in two sets of criminal proceedings conducted in parallel against him and extending beyond the maximum time-limit of nine months fixed for such detention. Lastly, he alleges that the purpose of his continued pre-trial detention was to curtail his political activity.

[Žegarac and Others v. Serbia \(no. 54805/15 and 10 other applications\)](#)

The applicants are 11 Serbian nationals, who live in Belgrade, Zavlaka or Požarevac. They are all pensioners benefitting from the State’s public-sector pension scheme.

The case primarily concerns the applicants’ complaints that the payment of their old-age pensions was temporarily reduced between November 2014 and September 2018. The reduction followed

legislative amendments introduced in October 2014 and, according to the Government, formed part of a wider set of austerity measures aimed at reducing public debt.

All the applicants complain under Article 1 of Protocol No. 1 (protection of property) to the Convention that the reduction in the payment of their pensions unjustifiably breached their right to the peaceful enjoyment of their property.

The second, third and eleventh applicants also allege that they were discriminated against because they were treated differently to other pensioners to whom the reduction in pension benefits had not applied or had applied only to a lesser extent, in breach of Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 and/or Article 1 of Protocol No. 12 (general prohibition of discrimination).

Lastly, the first, ninth and eleventh applicants complain under Article 13 (right to an effective remedy) that, as a result of the unlawful absence of individual decisions regarding the reduced pensions, they were prevented from pursuing their claims before domestic administrative authorities and/or civil courts.

[Katona and Závorský v. Slovakia \(nos. 43932/19 and 43995/19\)](#)

The applicants, László Katona and Tomáš Závorský, are respectively a Hungarian and a Slovak national. They were born in 1955 and 1979 and live in Budapest (Hungary) and Bratislava, respectively.

The case arises out of a situation following the transfer of shares in a company – in which both applicants are shareholders – from Mr Katona to a third individual under the agreement that payment would be made in instalments. Mr Katona received promissory notes to that effect, one of which he transferred to Mr Závorský. Payment was not received and the applicants sued for the principal amount of 74,000 euros, which led to final and enforceable judgments in their favour.

Following the third party's bankruptcy with "debt discharged" being granted by the District Court in proceedings to which the applicants were not a party, it became legally impossible for them to assert their claims against the debtor in the bankruptcy or any other proceedings. This was based on an amendment to the Bankruptcy and Restructuring Code which excluded the possibility of obtaining satisfaction before the courts for certain types of claims, including claims based on promissory notes issued prior to a certain date.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 6 (right to a fair trial), the applicants complain, in particular, of being unable to pursue the third party in legal proceedings and of a lack of legal protection in that connection, and that that amounted to a denial of access to a court.

[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 9 February 2023

Name	Main application number
Mandija v. Albania	60262/10
Ghazaryan v. Armenia	13184/21
Hamazaspyan and Safaryan v. Armenia	28506/15
Lmntsyanyan and Sloyan v. Armenia	41973/19

Name	Main application number
Martirosyan v. Armenia	50837/20
Hajiyeva v. Azerbaijan	64650/16
Jabbarov and Others v. Azerbaijan	61239/17
Rzayev v. Azerbaijan	42781/13
Shopovi and Others v. Bulgaria	38398/11
Balicki v. Croatia	71300/16
Prpić v. Croatia	27712/19
C.S. v. France	6461/22
Dalleau v. France	57307/18
Gourdon v. France	46552/15
Lenoir Rizzo v. France	58481/18
Nativelle v. France	19585/19
Gjergji and Others v. Greece	26133/20
I.K. v. Greece	53764/20
L.H.M. and Others v. Greece	30520/17
Patrikios v. Greece	70594/11
S.A. v. Greece	51688/21
Brickner and Others v. Hungary	57981/21
Pető v. Hungary	14633/22
Casa di Cura Romolo Hospital S.r.l. v. Italy	41053/19
D.D. and Others v. Italy	13780/22
Furno v. Italy	16314/07
Gallo v. Italy	11061/05
Ștefanița v. the Republic of Moldova	5702/15
Belan v. the Republic of Moldova	25853/12
A.E. v. Poland	26129/19
Borysewicz v. Poland	15150/21
Domagała v. Poland	38263/20
Marciniak v. Poland	43008/16
Michoń and Others v. Poland	48767/20
R.M. and Others v. Poland	11247/18
Sobczak v. Poland	30752/14
Szal v. Poland	53780/20
Alpalhão Pereira da Cruz v. Portugal	61423/19
da Silva Monteiro and Others v. Portugal	51226/20
Delgado Loureiro v. Portugal	34951/21
Grais da Silva v. Portugal	52769/18
Bobolocu v. Romania	19321/17
Dascălu and Others v. Romania	27378/16
Dragomir v. Romania	33629/16
Gavrilă and Others v. Romania	29414/16
Gheorghe and Chiribău v. Romania	46410/17
Gheorghe and Others v. Romania	33117/16
Ilie and Others v. Romania	23993/16
Ioniță and Others v. Romania	27153/16

Name	Main application number
Manda and Others v. Romania	38914/16
Matyas and Others v. Romania	37938/17
Osmulikevici v. Romania	2016/18
Petrov and Others v. Romania	16702/16
Şapera v. Romania	74233/16
Astafyev and Others v. Russia	31652/17
Galitskiy and Others v. Russia	46933/18
Gaskarov and Others v. Russia	10921/20
Kamper and Others v. Russia	46043/08
Kenareva and Others v. Russia	71779/17
Khlyntsev and Others v. Russia	9349/18
Kuznetsov and Others v. Russia	38930/17
Maksimov and Others v. Russia	30757/17
Pasikov and Others v. Russia	83994/17
Polishkarov and Others v. Russia	51317/17
Shendakov and Others v. Russia	6493/18
Shiropatin v. Russia	19405/18
Simonov and Agliullin v. Russia	1380/14
Tyurin and Others v. Russia	32695/14
Uvarov and Others v. Russia	28146/20
Gašić v. Serbia	22094/22
Veličković and Others v. Serbia	21687/22
Adamčo v. Slovakia	25436/21
Hradečná v. Slovakia	21763/22
Janočková v. Slovakia	40124/21
Machovčiak v. Slovakia	22232/22
Varchula and Others v. Slovakia	24694/22
Çakır v. Türkiye	69553/12
Babin v. Ukraine	9245/19
Derkach v. Ukraine	23537/20
Kryklyvyy and Others v. Ukraine	2335/21
Lobchuk and Others v. Ukraine	36871/20
Malyavin and Others v. Ukraine	23805/20
Mushtay v. Ukraine	38741/21
Pisotskyy v. Ukraine	50764/20

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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.