



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing nine judgments on Tuesday 7 March 2023 and 44 judgments and / or decisions on Thursday 9 March 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 March 2023

[Mamasakhlisi and Others v. Georgia and Russia \(applications nos. 29999/04 and 41424/04\)](#)

The first applicant, Levan Mamasakhlisi, is a Georgian national who was born in 1980 in Gagra, in the Autonomous Republic of Abkhazia, Georgia. The second applicant, Dinara Mamasakhlisi, his grandmother, was a Georgian national born in 1938 in the Khobi District, Georgia; she died in 2011. The third applicant, Grigol Nanava, was a Georgian national who was born in 1922 and died in 2006.

The case concerns events prior to the armed conflict in 2008 between Georgia and Russia and, in particular, Mr Mamasakhlisi's and Mr Nanava's arrests in Abkhazia, Georgia, in 2001 and 2003 respectively, and their alleged ill-treatment, conviction and continued detention.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security), and 6 (right to a fair trial) of the European Convention on Human Rights, Mr Mamasakhlisi and Mr Nanava complain, in particular, that they were arrested unlawfully, that they were ill-treated during their questioning and that they did not have a fair trial. They also complain of a breach of Article 13 (right to an effective remedy) and a breach of Article 2 of Protocol No. 7 to the European Convention (right of appeal in criminal matters) as a result of a failure to have their conviction and sentences reviewed by a higher tribunal. Relying on Article 8 (right to respect for private and family life) of the Convention, all three applicants complain that they were unable to see their family members.

[Kogan and Others v. Russia \(no. 54003/20\)](#)

The applicants are, Vanessa Kogan, a United States (US) national who was born in 1981, Grigor Avetisyan, a Russian national who was born in 1976, and their children, joint Russian and US nationals, Aleksandr Avetisyan and Luka Avetisyan, who were born in 2014 and 2017 respectively. Ms Kogan and Mr Avetisyan married in 2013 and were living in Moscow when they applied to the Court.

The case concerns the revoking of Ms Kogan's permanent residence permit with alleged FSB involvement. Ms Kogan moved to Russia in 2009 and worked for non-governmental human-rights organisations, including the Stichting Justice Initiative and later Astreya. The family left Russia in 2021 because of the revocation of Ms Kogan's residence permit, overall pressure and uncertainty about their future in the country and the threats received.

Relying on Articles 8 (right to respect for private and family life) and 18 (limitation on use of restrictions of rights) of the Convention, the applicants complain that the revocation of Ms Kogan's residence permit had been ordered with the aim of limiting her and Grigor Avetisyan's human-rights work.

[Ossewaarde v. Russia \(no. 27227/17\)](#)

The applicant, Donald Jay Ossewaarde, is a national of the United States of America who was born in 1960. He used to live in Oryol (Russia) and had a permanent residence permit.

Mr Ossewaarde is a Baptist Christian. The case concerns his complaint that he was fined for holding Bible study meetings in his home without notifying the authorities.

The sanction was imposed on him following new legal requirements for missionary work introduced in Russia in 2016 as part of an anti-terrorism package. The new legislation made it an offence to evangelise in private homes and required prior authorisation for missionary work from a religious group or organisation.

Relying in particular on Article 9 (freedom of religion), Mr Ossewaarde complains about being fined for preaching Baptism under the new legislation, arguing that he was not a member of any religious association but had been exercising his right to spread his personal religious convictions. He also complains under Article 14 (prohibition of discrimination) in conjunction with Article 9 about discrimination on account of nationality because, as a US national, he was fined more than a Russian national.

[Tüzünataç v. Türkiye \(no. 14852/18\)](#)

The applicant, Birsen Berrak Tüzünataç, is a Turkish national who was born in 1984 and lives in Istanbul (Türkiye).

The case concerns the broadcasting by a television channel of video footage recorded without the knowledge of the applicant, a well-known actress, in which she and a male actor (Ş.G.), also a public figure, were shown kissing on a terrace at the applicant's home.

In 2010 the applicant brought a civil action against the parent company of the television channel, claiming that she had been filmed without her knowledge, in breach of her right to privacy. In 2013 the Istanbul Regional Court dismissed the applicant's claims, noting that the journalists had filmed her from the street and had not entered her home covertly. The Court of Cassation dismissed an appeal on points of law by the applicant, who then lodged an individual application with the Constitutional Court. In 2017 that court held that there had been no breach of the applicant's right to privacy as she had been filmed from the street. It found that the images in question had not contained any elements liable to cause an unacceptable degree of embarrassment to the persons concerned and that the applicant had not taken adequate precautions or assumed sufficient responsibility for protecting her privacy.

Relying on Articles 6 (right to a fair hearing) and 8 (right to respect for private life), the applicant complains about the broadcasting of the video footage and maintains that the courts did not respond adequately to the alleged interference with her right to respect for her private life.

Thursday 9 March 2023

[Rigolio v. Italy \(no. 20148/09\)](#)

The applicant, Cesare Luigi Rigolio, is an Italian national who was born in 1940 and lives in Varese (Italy). In 1990 Mr Rigolio was elected as a councillor with responsibility for planning in the municipality of Besozzo.

Before the European Court the applicant, relying on Article 6 § 2 (presumption of innocence), alleges that the language used by the Court of Audit in a judgment against him – concerning facts in respect of which a set of criminal proceedings against him had previously been discontinued – breached his right to be presumed innocent.

Cupiał v. Poland (no. 67414/11)

The applicant, Dariusz Cupiał, is a Polish national who was born in 1962 and lives in Warsaw.

The case concerns the applicant's trial and criminal conviction for psychologically abusing his children by subjecting them to allegedly excessive religious practices.

Relying on Articles 6 § 1 (right to a fair hearing), the applicant complains that there were a number of procedural defects in the criminal proceedings against him and that his conviction breached his Convention rights under Articles 8 (right to respect for private and family life), 9 (freedom of thought, conscience and religion), 14 (prohibition of discrimination) and Article 2 of Protocol no. 1 (right to education).

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 7 March 2023

Name	Main application number
Babić v. Croatia	45391/16
Grima and Others v. Malta	18052/20
Frana v. Romania	58219/16
Stoicu v. Romania	25598/18
Karatay v. Türkiye	28377/11

Thursday 9 March 2023

Name	Main application number
Oreščanin v. Croatia	19544/15
Zec v. Croatia	35853/19
M.G. v. Denmark	7921/20
Bouille v. France	55761/20
Candelier v. France	5943/18
Chrétien v. France	17968/16
Cimen v. France	51433/17
Cussac v. France	37642/19
Hodor v. France	23/19
Kane v. France	1281/19
Lepere v. France	41524/18
Mauvoisin Delavaud v. France	47064/20
N.L. v. France	53526/18
Salameh v. France	3265/18
SCI Baraka v. France	418/19
Erdélyi v. Hungary	9720/17
Horvatovich v. Hungary	12141/16
R.D. v. Hungary	17695/18
Z.A. v. Ireland	19632/20

Name	Main application number
Aprile v. Italy	11557/09
Aspisi v. Italy	44453/19
H.A. v. Italy	26049/18
Bungurov v. North Macedonia	68005/17
Filić v. North Macedonia	45174/20
Gonçalves Barbosa and Others v. Portugal	27860/21
Meggi Cala v. Portugal	53694/17
Paulo Oliveira, SGPS, S.A. v. Portugal	51736/20
Pereira de Sousa de Santiago Sottomayor v. Portugal	29238/22
Piedade Francisco v. Portugal	5459/21
Capră v. Romania	32555/19
Ciocîrlan v. Romania	39398/20
Jianu v. Romania	7598/16
Laboratorul de Construcții București S.A. v. Romania	7178/17
Mršo v. Serbia	12219/13
Çiftçi v. Türkiye	43387/20
Erdem v. Türkiye	16181/20
Azaliya, TOV and Others v. Ukraine	31211/14
Budayeva v. Ukraine	75485/12
Dubas v. Ukraine	51222/20
Pleshkov and Pleshkova v. Ukraine	5783/20
Volkova v. Ukraine	41468/13
Osagiede v. the United Kingdom	228/20

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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.