



## Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing seven judgments on Tuesday 7 May 2019 and 61 judgments and / or decisions on Thursday 9 May 2019.

*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 7 May 2019

#### Mityanin and Leonov v. Russia (applications nos. 11436/06 and 22912/06)

The applicants, Aleksandr Mityanin and Mikhail Leonov, are two Russian nationals who were born in 1971 and 1976 respectively. They are currently in prison in Kharp (Russia).

The case concerns their detention and trial on various criminal charges and the first applicant's complaint about a newspaper article on his case.

Mr Mityanin was arrested in July 2003 and subsequently placed in detention. In particular, the Syktyvkar Town Court extended his detention until 19 February 2004. On 18 February 2004 the prosecuting authorities completed their pre-trial investigation and sent the case for trial. On 10 March 2004 the Syktyvkar Town Court extended the detention order.

He was eventually convicted in December 2006 of armed robbery as part of a group.

He brought a civil claim that there had been no valid court decision authorising his detention from 20 February until 10 March 2004, but his action was dismissed in 2012.

In January 2008 the authorities in Syktyvkar opened criminal proceedings against both applicants and others over the creation and functioning of a "criminal community". The same month a newspaper article mentioned Mr Mityanin as a suspect in those proceedings and published a photograph of those who had been arrested, including him.

He brought defamation proceedings against the newspaper, but his claim was dismissed. In 2011 he brought proceedings against another outlet for similar reasons, which were also unsuccessful.

In June 2014 he was convicted of various offences and sentenced to life imprisonment

Mr Leonov was arrested and placed in detention on suspicion of armed robbery in December 2003.

In particular, on 29 January 2004 his detention was extended until 19 February 2004. The prosecutor completed the investigation and sent the case for trial. On 21 April 2004 the judge returned the case to the prosecutor, and held that the preventive measure of detention should remain unchanged. He was convicted of a number of offences in December 2006.

In 2012 he lodged complaints about the lawfulness of his detention from 19 February to 29 April 2004 but the courts dismissed the actions.

Both applicants raise complaints under Article 5 (right to liberty and security) of the European Convention on Human Rights, referring in particular to an alleged lack of lawfulness of periods of their detention, a lack of diligence in the criminal proceedings, and the effect of domestic court judgments on their right to compensation for unlawful detention.

The second applicant complains under Article 6 § 1 (right to a fair hearing) about being absent from hearings, while the first applicant alleges that the newspaper article and accompanying photograph undermined his right to be presumed innocent, which is protected by Article 6 § 2 (presumption of innocence). He also alleges in substance that their publication interfered with his right to privacy, which is covered by Article 8 (right to respect for private and family life).

#### [MiHR Foundation v. Turkey \(no. 10814/07\)](#)

The applicant is a foundation known as MiHR (*Medeniyet, İrfan, Hayır, Refah Vakfı* – foundation of civilisation, knowledge, welfare and prosperity). It was registered as a Turkish foundation in 1989 with the main purposes of providing assistance to the needy in the areas of Islam, modern technologies, and nuclear physics and of organising classes, setting up universities or joining existing universities.

The case concerns the dissolution of the MiHR foundation by the Turkish civil courts, in 2005, on the ground that its resources were insufficient to cover its expenses and that it was no longer capable of fulfilling its registered purposes. Its financial assets were transferred to another foundation pursuing similar aims. In 2014 the foundation's request for re-registration was rejected by the domestic courts.

Relying in particular on Article 11 (freedom of assembly and association) and other Convention provisions, the foundation complains about its dissolution.

#### [Kaynar and Others v. Turkey \(nos. 21104/06, 51103/06 and 18809/07\)](#)

The applicants, Naci Kaynar, Ayşe Boztepe and Cemile Bürge Kuşman, are Turkish nationals who were born in 1953, 1938 and 1967 respectively, and live in Çanakkale (Turkey).

The case concerns the retrospective application of a newly enacted law to civil proceedings pending before the land tribunal.

In 1993 and 1995 the applicants purchased land on the island of Gökçeada. The land was classified as a "natural site" whose ownership was unregistered.

In 1996 the land was registered in the name of the Treasury, in connection with a cadastral review. That same year, the applicants applied to the Gökçeada land tribunal seeking the registration of the land in their names, in accordance with the rules on adverse possession.

In 1999 the tribunal granted their request, taking the view that the conditions for adverse possession were satisfied. That judgment was overturned by the Court of Cassation, which found that the judges of the land tribunal had not duly enquired as to whether the land was used for grazing and could not therefore be acquired by adverse possession.

In 2004, while the proceedings before the tribunal were pending, the legislation on the protection of cultural and natural heritage was amended. Land classified as a "natural site" could no longer be acquired by adverse possession. As a result, the applicants' claim was dismissed and the land was registered in the name of the Treasury.

Relying on Article 1 of Protocol No. 1 (protection of property) the three applicants allege that they have sustained a breach of their right to the enjoyment of their property on account of legislative interference. They argue in particular that without that legislative amendment, the national courts would have secured the registration of the land in their own names.

Under Article 6 § 1 (right to a fair hearing within a reasonable time), two of the applicants complain about the length of the proceedings and allege that the court decisions contained insufficient reasoning.

Thursday 9 May 2019

### Just Satisfaction

#### Maharramov v. Azerbaijan (no. 5046/07)

The case concerns the question of just satisfaction with regard to Mr Maharramov's complaint that he was unlawfully and unjustifiably deprived of his property without any compensation. Mr Maharramov owned a shop, which the local authority destroyed so that the street could be widened, although he had refused to vacate it.

In its [principal judgment](#) of 30 March 2017 the Court held that there had been a violation of Article 1 of Protocol No.1 (protection of property) to the European Convention.

The Court also decided that the question of just satisfaction 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 9 May 2019.

[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 May 2019

Name	Main application number
Akyüz v. Turkey	63681/12
Haber-Sen (Press, Communications and Postal Workers Union) v. Turkey	23891/12
Kavak v. Turkey	30669/11
Polat v. Turkey	64138/11

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Name	Main application number
Aliaj v. Albania	80544/12
Braka v. Albania	54091/13
Duranspahić and Others v. Bosnia and Herzegovina	47761/16
Vučetić and Others v. Bosnia and Herzegovina	25698/15
Hunyadi and Others v. Hungary	37/17
Serino v. Italy	38587/06
Terentiev v. the Republic of Moldova	28973/06
Andradi and Others v. Romania	15713/15
Covaci v. Romania	28167/17
Mâzgă and Others v. Romania	5489/16
Meiroşu v. Romania	24881/16
Plugaru v. Romania	17442/16
Maleyev and Others v. Russia	43256/15
Rybalko and Others v. Russia	25013/17
Yegorov and Others v. Russia	16696/17
Yudenzov and Others v. Russia	11567/17

Name	Main application number
Zamotin and Others v. Russia	49433/17
Trifunović and Others v. Serbia	20073/17
Adil Güreşçi and Others v. Turkey	22922/08
Akgün v. Turkey	19699/18
Aktaş v. Turkey	35819/09
Arcagök v. Turkey	30841/10
Aslan v. Turkey	19434/10
Aydemir v. Turkey	21013/11
Bayar v. Turkey	79045/11
Bayram v. Turkey	49428/12
Boyacıköy Panayia Evangelistra Church and School Foundation v. Turkey	69446/17
Bozkurt v. Turkey	35818/09
Çakmak v. Turkey	6218/12
Çetiner v. Turkey	36691/09
Çiğdem v. Turkey	12278/09
Eroğlu and Akdemir v. Turkey	6337/10
Eye v. Turkey	52310/12
Fondation du Monastère Syriac de Saint-Gabriel à Midyat v. Turkey	61412/11
Genomed Limited Company v. Turkey	62367/11
Gökçe v. Turkey	63324/12
Güneş v. Turkey	54185/08
Gürceğiz v. Turkey	32848/09
Kasapoğlu v. Turkey	23387/09
Kılavuz v. Turkey	29114/09
Kızgın v. Turkey	38909/07
Noyanalpan and Others v. Turkey	26660/05
Öztürk v. Turkey	31706/07
R.M. v. Turkey	62450/11
Salur v. Turkey	54172/08
Şay and Others v. Turkey	55048/07
Sayan v. Turkey	21715/10
Şayık v. Turkey	30496/09
Şengöz v. Turkey	61718/08
Soytaş v. Turkey	32897/09
Süsli v. Turkey	52120/08
Tümer v. Turkey	62392/11
Tunce v. Turkey	56281/08
Türe v. Turkey	58853/11
Tutar v. Turkey	45008/08
Bilkovskyy v. Ukraine	63937/14
Bodnaruk v. Ukraine	59332/11
Kinash and Dzyubenko v. Ukraine	31090/18
Kopenkova v. Ukraine	2093/18
Panashchenko v. Ukraine	6137/08

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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.